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CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 43-0276

SITE DEVELOPMENT PERMIT NO. 527861
HILLEL OF SAN DIEGO STUDENT CENTER - PROJECT NO. 149437 - MMRP
CITY COUNCIL DRAFT

This Site Development Permit, No. 527861 is granted by the City Council of the City of San Diego to ROBERT MARSHALL, Trustee, Owner, and HILLEL OF SAN DIEGO, a California nonprofit Corporation, Permittee (Phase I) and HILLEL OF SAN DIEGO, a California nonprofit Corporation, Owner and Permittee (Phase II), pursuant to San Diego Municipal Code [SDMC] Section 126.0504. The 9,166 square-foot Phase I site (after proposed dedications and vacations) is located at 8976 Cliffridge Avenue. The 33,518 square-foot (0.77-acre) Phase II site (after proposed dedications and vacations) is located within the triangular area bounded by La Jolla Village Drive, La Jolla Scenic Way, and La Jolla Scenic Drive North. Both sites are located in the Single Family (SF) Zone of La Jolla Shores Planned District, Coastal Height Limit Overlay Zone, Campus Parking Impact Overlay Zone, and within the La Jolla Community Plan.

The project site is legally described as: Phase I: Lot 67 of La Jolla Highlands, Unit No. 3, in the City of San Diego, County of San Diego, State of California, according to the map thereof, No. 3528, filed in the office of the County Recorder of San Diego County. Phase-II: A Portion of Lot 1299, Pueblo Lands, Miscellaneous Map No. 36.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners and Permittee to continue to use an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement and to develop a triangular shaped parcel with a 12,100 square-foot religious student center with a lower level garage of 17,000 square-feet of area as a Phase II entitlement, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"], dated _____, 2008, on file in the Development Services Department.

The project shall include:

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- a. Phase I: Continued use of a 1,792 square-foot single-family residence and garage/storage structure at 8976 Cliffridge Avenue for religious offices and related use until such time as the proposed Phase II is developed and approved for occupancy;
- b. Phase II: The development of a two-level religious student center consisting of an upper level main floor use area of 12,100 square-feet and a lower subterranean garage of 17,000 square-feet for the parking of 68 vehicles, trash enclosures and elevators;
- c. Deviations:
 - 1). Phase I, Alternative 1. A deviation from San Diego Municipal Code (SDMC) Section 142.0560 (j)(1) for minimum width of a non-residential driveway. This would be a temporary deviation from the driveway width requirements, whereas, the applicant is proposing a 12-foot curb cut to access the single-family home at 8976 Cliffridge Avenue where the San Diego Municipal Code requires 24 feet for a non-residential use. This deviation assumes approval of Phase II and the public right-of-way vacation request. When Phase II is constructed, the religious offices and related use at 8976 Cliffridge Avenue will move into the new 12,100 square-foot facility (Phase II) and the single-family home would revert back to its original use, which only requires a 12-foot curb cut as a residential use.
 - 2). Phase I, Alternative 2. A deviation from San Diego Municipal Code (SDMC) Section 142.0560 (j)(1) for minimum width of a non-residential driveway. This would be a permanent deviation from the driveway width requirements, whereas, the applicant is proposing a 20-foot curb cut to access 8976 Cliffridge Avenue where the San Diego Municipal Code requires 24 feet for a non-residential use. This deviation assumes denial of Phase II and the Public Right-of-Way Vacation request, and the permanent use of the single-family home at 8976 Cliffridge Avenue as a non-residential use.
 - 3). Phase II. A deviation from San Diego Municipal Code (SDMC) Section 142.0560 (j)(1) for minimum width of a non-residential driveway. Deviation from the driveway width requirements, whereas, the applicant is proposing a 22-foot curb cut to access Phase II where the San Diego Municipal Code requires 24 feet for a non-residential use.
- d. Landscaping (planting, irrigation and landscape related improvements) with existing landscaping at the residence at 8976 Cliffridge Avenue to be maintained; the 12,100 square-foot religious student center to be landscaped and maintained in accordance with the approved Exhibit 'A' Landscape Plan subject to the conditions contained herein; and the required public benefit 10,000 square-foot landscaped area between the Phase I and II sites;
- e. Off-street parking facilities to be maintained on both the Phase I and II sites as conditioned herein, and the requirement for off-site parking required for the use and events associated with Phase II;

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- f. Fencing, walls, decorative site features and signage;
- g. Installation of a bike path linking La Jolla Scenic Drive North with Torrey Pines Road;
- h. A roof-mounted photovoltaic system consisting of solar panels, in addition to the installation of a fuel cell, sufficient to generate at least 30 percent of the proposed project's projected energy consumption, as established by Council Policy 900-14; and
- i. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This portion of the Permit covering Phase II is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. Should Phase II not be approved, the portion of the Permit covering Phase I would be a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

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6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and have been *determined to be necessary in order to make the findings required for this Permit. It is the intent* of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues,

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the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

12. This Permit may be developed in phases. As described above, Phase I would consist of the continued use of a 1,792 square-foot single-family residence and garage/storage structure at 8976 Cliffridge Avenue for religious offices and related use until such time as the proposed Phase II is developed and approved for occupancy; and Phase II would consist of the development of a two-level religious student center consisting of an upper level main floor use area of 12,100 square-feet and a lower subterranean garage of 17,000 square-feet for the parking of 68 vehicles, trash enclosures and elevators.

13. The Phase I continued use of the single family house at 8976 Cliffridge Avenue for religious purposes shall continue, subject to the applicable conditions of this permit, until Phase II is completed and ready for occupancy. As Phase II is utilized for Hillel purposes, Phase I shall terminate and the owner of the residence will convert the use of the site back to single-family residential use. Should the owner desire to utilize the residence and property for some other use permitted by the SF zone of the La Jolla Shores Planned District, the owner shall apply for a separate Site Development Permit.

14. Should Phase II of the project not be approved, use of the residentially constructed house at 8976 Cliffridge Avenue for religious purposes (Phase I) shall continue as a permanent use.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

15. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

16. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 149437, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

17. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 149437, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Paleontological Resources
Parking

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18. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

19. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

20. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of sidewalk on La Jolla Village Drive, La Jolla Scenic Way and La Jolla Scenic Drive North along the property frontage, new curb, gutter and sidewalk along the vacated area at Cliffridge Avenue and La Jolla Scenic Drive North, a pedestrian ramp at La Jolla Village Drive and La Jolla Scenic Way and a 22-foot driveway on La Jolla Scenic Way, all satisfactory to the City Engineer.

21. Prior to the issuance of any building permits, the applicant shall vacate a portion of La Jolla Scenic Drive North, reserving easements for water, sewer and drain pipes, satisfactory to the City Engineer.

22. Prior to the issuance of any construction permits, the applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.

23. Prior to the issuance of any construction permits, the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

24. Prior to the issuance of any building permits, the applicant shall process a lot consolidation parcel map, including the dedication on La Jolla Village Drive, reservations of easements, and a lot line adjustment, all satisfactory to the City Engineer.

25. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Maintenance and Removal Agreement, from the City Engineer, for sidewalk underdrains (in La Jolla Village Drive and La Jolla Scenic Drive North) and a connection to the City drain system.

26. The drainage system proposed for this development is private and subject to approval by the City Engineer.

MAPPING REQUIREMENTS:

27. Prior to the issuance of any building permits, the applicant shall process a Lot Line Adjustment/Lot Consolidation Parcel Map, including the dedication of La Jolla Village Drive, and the granting or reservation of easements, all satisfactory to the City Engineer.

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LANDSCAPE REQUIREMENTS:

28. Prior to issuance of construction permits for grading, the Permittee or Subsequent Owner shall submit landscape construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual, Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.

29. Prior to issuance of construction permits for public right-of-way improvements, the Permittee or Subsequent Owner shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take into account a 40 square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

30. In the event that a foundation only permit is requested by the Permittee or Subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," *Landscape Development Plan, on file in the Office of the Development Services Department*. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

31. Prior to issuance of any construction permits for buildings; the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," *Landscape Development Plan, on file in the Office of the Development Services Department*.

32. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or Subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

33. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

34. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

35. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed

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during demolition or construction, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to issuance of a Certificate of Occupancy.

36. Prior to issuance of construction permits for grading; the Permittee or Subsequent Owner shall ensure that all proposed landscaping, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory and the prohibited plant species list found in "Table 1" of the Landscape Standards shall not be permitted.

PLANNING/DESIGN REQUIREMENTS:

37. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

38. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels, in addition to the installation of a fuel cell, sufficient to generate at least 30 percent of the proposed project's projected energy consumption, as established by Council Policy 900-14.

39. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or the La Jolla Shores Planned District sign regulations.

40. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC. Outdoor lighting will be limited to low-voltage lighting for safety and way-finding when the facility is unoccupied.

41. Hillel hours of operation shall be limited to 7:00 AM to 10:00 PM daily allowing for clean up and closing of the facility until 11:00 PM. Hillel may observe Jewish holidays, customs, and ritual practices for High Holiday, Shavuot, Purim, Passover, and other Jewish special observances provided that the above hours of operation are observed and that occasional special events comply with condition 48 of this permit.

42. Weekend hours shall be limited to Saturday from 8:00 AM to 10:00 PM and Sunday from 10:00 AM to 6:00 PM unless there is a Jewish Holiday or other occasional special event, where the typical hours of operation described in condition No. 41 of this permit would be allowed.

43. The building capacity shall be capped at 204 people, and 400 for "occasional special events." An "occasional special event" is any event attended by more than 204 people.

44. There shall be no deliveries or trash pick-up before 8:00 AM on any day.

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45. The applicant shall pay for the undergrounding of the two utility lines that are located onsite, and the undergrounding project shall be completed before the issuance of the occupancy permit.
46. The applicant shall add a drinking fountain, trash receptacle, and one three-seat bench that Hillel will maintain. The applicant will maintain a recycling program in its facility.
47. The applicant agrees not to oppose the formation of a maintenance assessment district.
48. The courtyard will not be used for outside gatherings of more than ten (10) people, except for Sukkot and similar religious rituals. This would not preclude visitors from going out on the patio or using the patio during gatherings within the center.
49. No alcohol will be allowed, except for religious rituals.
50. Smoking will not be allowed on the site.
51. Air-conditioning units will be acoustically abated.
52. Outside amplified noise is prohibited.
53. A three-foot glass wall will be added to the patio wall at the northeast corner of the property.
54. Overnight events are prohibited.
55. Use or rental to outside groups for commercial purposes is prohibited.
56. Hillel will advise visitors to the Center of Friday night Shabbat and during occasional special events not to park in the neighborhood and that individuals that fail to comply with this policy will be asked to move their car or to leave the Hillel Center.
57. The applicant agrees to participate in a Neighborhood Advisory Committee consisting of one representative of the University of California at San Diego; two representatives appointed by the La Jolla Shores Association, two representatives appointed by Hillel; one neighborhood resident appointed by the City Council Representative for Council District One, and one neighborhood resident appointed by the Mayor. The Committee shall be formed within thirty (30) days of the issuance of building permits, while working on construction issues as well, and shall work to facilitate appropriate interchange and beneficial collaboration between the applicant and the surrounding community, resolve disputes if possible, and advise the Development Services Department Director and the Mayor of any disputes that are not resolved.
58. The applicant will agree to defend and indemnify the City of San Diego against any actions related to the legality of the sale or lease of the site.

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TRANSPORTATION REQUIREMENTS

59. The applicant shall maintain the shared parking agreement dated July 6, 2005 with the Regents of the University of San Diego for an additional sixty-seven (67) off-site parking spaces for Hillel's weekly Shabbat services. The 67 parking spaces shall be available from 1 hour prior to the event until 1 hour after each Shabbat service, to the satisfaction of the City Engineer.

60. The applicant shall maintain the shared parking agreement dated July 6, 2005 with the Regents of the University of San Diego for an additional seventy-five (75) off-site parking spaces for Hillel's occasional special events, with such parking spaces available from 1 hour prior to the event until 1 hour after each event, to the satisfaction of the City Engineer.

61. The applicant shall provide a shuttle service between the off-site parking location(s) and the Hillel facility for both weekly Friday Shabbat services and the occasional special events to the satisfaction of the City Engineer. If the off-site location is within 600-feet of the Hillel site, no shuttle service will be required.

62. The applicant shall provide a minimum of sixty-eight (68) on-site, underground parking spaces. The applicant shall not prohibit any of its staff, visitors, or persons participating in its on-site activities from parking in the garage. The applicant acknowledges that any such closure is grounds for the immediate suspension of all operations by the Development Services Department Director, in his or her sole discretion.

63. In the event of a cancellation of a shared parking agreement, the applicant will immediately suspend any activities with more than 204 people in attendance, which would effectively bring the cap down to what sixty-eight (68) spaces would support, including Shabbat services and occasional special events (which are limited to six times a year for the first year and up to nine times a year thereafter with the approval of the Development Services Department Director) at the facility, until an equivalent parking management plan or shared parking agreement is secured and approved by the Development Services Department Director, in his or her sole discretion and executed by the applicant. In the event of failure of the parking shuttle to operate during any Shabbat services, the applicant will immediately suspend any activities with more than 204 people in attendance at the facility until the shuttle services have been resumed and the resumed operation is approved by the Development Services Department Director, in his or her sole discretion, and executed by the applicant. At any time after the first year of operation of the facility, the Development Services Department Director may, in his or her sole discretion, require that this Shabbat services off-site parking requirement and shuttle requirement be continued or discontinued. This would take sixty-seven (67) parking spaces, in addition to sixty-eight (68) on-site spaces that would be the parking requirement. If for any reason the off-street parking is not satisfied or the shuttle is not available, the occupancy of the facility shall be limited to 204 people, which is what the sixty-eight (68) on-site parking spaces would support.

64. The number of occasional special events for the first twelve months of operation shall be limited to six. The number may be increased after the first year to a maximum of nine occasional special events per year with the approval of the Development Services Department Director, in

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his or her sole discretion, where Neighborhood Code Compliance will be in charge of documenting the number of these events.

65. The applicant shall provide signs to be placed and maintained in front of the project clearly indicating available parking spaces at the off-site location(s) during Shabbat services and occasional special events, to the satisfaction of the City Engineer.

66. The applicant shall provide signs to be placed and maintained at the entrance of the off-site parking location(s) clearly indicating the available parking spaces at the off-site location(s) during Shabbat services and special events, to the satisfaction of the City Engineer.

67. No fewer than six (6) temporary parking spaces shall be constructed in the vacated/abandoned portion of La Jolla Scenic Drive North right-of-way (as shown on Exhibit "A") for the use of the 8976 Cliffridge Avenue site (Phase I) and these temporary parking spaces shall be removed and the area restored upon the completion of the project at vacant portion of the site, formerly known as Site 653 (Phase II), to the satisfaction of the City Engineer.

68. No fewer than 6 on-site parking spaces shall be maintained on 8976 Cliffridge Avenue (Phase I) in the event that the Hillel project is not constructed on Site 653 (Phase II) in the approximate locations shown on the approved Exhibit "A", on the file in the Development Services Department and such parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Engineer, to the satisfaction of the City Engineer.

69. No landscape and/or hardscape more than 30-inches in height shall be placed in the visibility triangle as shown on Exhibit "A."

70. Prior to the issuance of the first building permit, applicant shall deposit \$20,000 into a dedicated fund for the express purpose of the Development Services Department enforcement and monitoring of the permit conditions, with the proviso that if the \$20,000 is used for enforcement and drops below \$10,000, it will be replenished back to \$20,000. The fund shall be interest bearing with interest, minus administrative fees, accruing to the Permittee. Two years thereafter, a deposit of \$10,000 per year plus Consumer Price Index may be required at the sole discretion of the Development Services Director in subsequent years. Any portion of this deposit that is unused will be returned to the applicant.

71. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, construction of new pedestrian curb ramps at the intersections of La Jolla Village Drive / La Jolla Scenic Way and Torrey Pines Road / La Jolla Village Drive, satisfactory to the City Engineer.

72. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, reconstruction of La Jolla Scenic Drive North along its frontage between La Jolla Scenic Way and Cliffridge Avenue to provide 34 feet of pavement, curb, and gutter (curb to curb dimension) with an additional 12 feet curb to property line distance that includes the sidewalk for the north portion of La Jolla Scenic Drive North, satisfactory to the City Engineer.

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73. The applicant shall install a pedestrian ramp on the west side of the intersection of La Jolla Scenic Drive North and Cliffridge Avenue prior to the issuance of the first building permit, to the satisfaction of the City Engineer.
74. Prior to the issuance of the first building permit, applicant shall assure by permit and bond installation of double yellow center line along the curve on Cliffridge Avenue and La Jolla Scenic Drive North, satisfactory to the City Engineer.
75. Prior to the issuance of the first building permit, applicant shall dedicate approximately 5-feet along project frontage on La Jolla Village Drive (as shown on Exhibit "A") and shall assure by permit and bond, reconstruction of curb, gutter, contiguous and non-contiguous sidewalk, with a 22-foot curb-to- property line distance, satisfactory to the City Engineer.
76. Prior to the issuance of the first building permit, applicant shall assure by permit and bond construction of a 10-foot wide pedestrian/bicycle path between La Jolla Scenic Drive North and Torrey Pines Road, satisfactory to the City Engineer.
77. The gate to the subterranean garage shall be monitored by Hillel's staff during all gatherings *and the parking lot attendant shall be present to utilize the parking lifts, to the satisfaction of the City Engineer.*
78. The applicant shall provide an on-site parking attendant to oversee the use of the lift parking spaces when the project has visitors expected above the non-lift space spaces required and during these higher demand times, visitors are expected to leave automobile keys to allow for vehicle movement as necessary to utilize the lift equipment within the parking lot, to the satisfaction of the City Engineer.
79. No fewer than 68 on-site parking spaces shall be maintained on the (Phase II) project site in the approximate locations shown on the approved Exhibit "A", on the file in the Development Services Department and such parking spaces shall comply at all times with the SDMC including 28 lift spaces and 3 accessible spaces and shall not be converted for any other use unless otherwise authorized by the City Engineer, to the satisfaction of the City Engineer.
80. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act (ADA) requirements and in accordance with standards contained in the City of San Diego Street Design Manual.
81. The gate to the subterranean garage shall be monitored by Hillel's staff during all occasional special events.
82. A Transportation Demand and Parking Management (TDPM) Plan has been submitted for the project and includes the following:

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- a) Provides staff at both Hillel facility and the off-site location to monitor parking for occasional special events.
- b) Publicizes the availability of off-site parking and transportation prior to the occasional special events.
- c) Annual post-occupancy parking demand study shall be conducted by Hillel for Shabbat services and occasional special services for 3 years after the facility becomes operational, satisfactory to the City Engineer. If post occupancy study indicates need for additional off-site parking, then Hillel shall secure the additional needed parking spaces, satisfactory to the Development Services Director. If post occupancy study indicates that Hillel has no need for the required off-site parking spaces, then those spaces do not need to be provided. The parking demand study should also include an annual summary of the type and frequency of the events that take place at Hillel's facility. The parking demand study should also monitor the use of the on-street parking in the vicinity of the project and eliminate any adverse impact of the project on the on-street parking.

83. The TDPM plan shall be adopted as a condition of this permit and the requirements of the TDPM plan become requirements of this permit. The monitoring program shall be conducted by the applicant and evaluated by the Development Services Director, or his or her designee, at least nine (9) times and no more than 12 times during the first year, and at least three (3) times and no more than five (5) times per year in subsequent years. The monitoring after the first year shall be conducted during times when school is in session and at least once during an occasional special event.

84. Prior to the expiration of the term of the shared parking agreement, Hillel shall provide a renewed shared parking agreement for the off-site parking requirement to the City of San Diego. If after the initial three-year Post Occupancy Evaluation (POE) period, Hillel finds that they no longer require the off-site parking, Hillel must submit a POE to the Development Services Director prior to rescinding the off-site parking agreement(s) per the TDPM plan.

85. The applicant shall notify the La Jolla Shores Association whenever the Traffic and Transportation Committee of the La Jolla Community Planning Association considers issues related to the TDPM plan.

WATER REQUIREMENTS:

86. Prior to the issuance of the first foundation, building or grading permit, the Owner/Permittee shall cut, plug and abandon the existing public 12-inch water facilities within the La Jolla Scenic Drive North right-of-way to be vacated, from La Jolla Scenic Way to Torrey Pines Road, in a manner satisfactory to the Water Department Director and the City Engineer.

87. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of public 16-inch water facilities and the cut, plug and abandonment of the existing public 8-inch water facilities within the La Jolla Scenic Drive

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North right-of-way, from La Jolla Scenic Way to Torrey Pines Road, and connect to the 16-inch mains all existing water services still in service adjacent to the project, in a manner satisfactory to the Water Department Director and the City Engineer.

88. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s), including domestic, fire and irrigation, and the disconnection at the mains of all existing unused water services adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

89. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permit(s) for the installation of private back flow prevention device(s) on all water services to the development, including all domestic, fire and irrigation services, in a manner satisfactory to the Water Department Director and the City Engineer. All backflow prevention devices shall be located above grade and outside of any private structures.

90. Prior to the first final inspection of any building permit for the Hillel of San Diego project, the Owner/Permittee shall install and/or replace fire hydrants at locations satisfactory to the Fire Marshal, the Water Department Director and the City Engineer.

91. Prior to the first final inspection of any building permit for the Hillel of San Diego project, the Owner/Permittee shall design and construct new public water facilities, into acceptable alignments and rights-of-way, in the event any public water facility in the vicinity of the project site loses integrity due to the construction and grading activities associated with this development, in a manner satisfactory to the Water Department Director and the City Engineer.

92. Prior to the first final inspection of any building permit for the Hillel of San Diego project, the Owner/Permittee shall grant acceptable water easements over all public water facilities located outside of fully improved public rights-of-way, in a manner satisfactory to the Water Department Director and the City Engineer. Minimum water easement width, for exclusive use of public water mains with no appurtenances, shall be 15-feet-wide.

93. Prior to the first final inspection of any building permit for the Hillel of San Diego project, all public water facilities necessary to serve this development shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

94. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities and easements, as shown on approved Exhibit "A," shall be modified at final engineering to comply with standards.

WASTEWATER REQUIREMENTS:

95. Prior to issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of the realignment of the existing 8" public sewer main at the

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intersection of La Jolla Scenic Drive North and Cliffridge Avenue, satisfactory to the Metropolitan Wastewater Department Director.

96. Prior to issuance of any building permits, the developer shall prepare appropriate public improvement plans for the construction of the realignment of the existing 8" sewer main at the intersection of La Jolla Scenic Drive North and Cliffridge Avenue, satisfactory to the Metropolitan Wastewater Director, and it shall be reviewed and approved by the Wastewater Plan Check Section.

97. Prior to the issuance of any certificate of occupancy, the developer shall have the construction of the realignment of the existing 8" sewer main at the intersection of La Jolla Scenic Drive North and Cliffridge Avenue completed per approved plans and satisfactory to the Wastewater Department Director and the City Engineer.

98. Prior to the issuance of any certificate of occupancy, the developer shall have the construction of the realignment of the existing 8" sewer main at the intersection of La Jolla Scenic Drive North and Cliffridge Avenue completed per approved plans and satisfactory to the Wastewater Department Director and the City Engineer.

99. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

100. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

101. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Plumbing Code and shall be reviewed as part of the building permit plan check.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on _____ by Resolution Number R-_____.

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Site Development Permit No. 527861

Date of Approval:

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Daniel Stricker
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

[NAME OF COMPANY]

Owner/Permittee

By _____

NAME

TITLE

[NAME OF COMPANY]

Owner/Permittee

By _____

NAME

TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

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DRAFT Resolution for Approving/Denying Permits

(R-_____)

RESOLUTION NUMBER R-_____

ADOPTED ON _____

WHEREAS, ROBERT MARSHALL, Trustee, Owner, and HILLEL OF SAN DIEGO, a California nonprofit Corporation, Permittee (Phase I) and HILLEL OF SAN DIEGO, a California nonprofit Corporation, Owner and Permittee (Phase II), filed an application with the City of San Diego for a Site Development Permit [SDP] No. 527861 to allow for the development of a two-phased project to continue the use of an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement; and to develop a vacant triangular shaped, approximately 0.77-acre parcel on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way with a 12,100 square-foot religious student center with a lower level garage of 17,000 square-feet of area as a Phase II entitlement. Phase I involves the continued use of a 1,792 square-foot single-family residence and garage/storage structure at 8976 Cliffridge Avenue for religious offices and related use until such time as the proposed Phase II is developed and approved for occupancy. Phase II involves the development of a two-level religious student center consisting of an upper level main floor use area of 12,100 square-feet and a lower subterranean garage of 17,000 square-feet for the parking of 68 vehicles, trash enclosures and elevators. Both are located in the SF Zone of La Jolla Shores Planned District within the La Jolla Community Plan, Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, and Council District 1. Phase I is legally described as Lot 67 of La Jolla Highlands Unit No. 3 in the City of San Diego, County of San Diego, State of California, according to the map thereof No. 3528, filed in the Office of the County Recorder of San Diego County, October 19, 1956. Phase

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It is legally described as a portion of Lot 1299, Miscellaneous Map 36, Pueblo Lands. Both sites are within Township 15 South, Range 4 West, San Bernardino Base Meridian, in the La Jolla Community Plan area, in the Single Family (SF) Zone of the La Jolla Planned District; and

WHEREAS, on October 16, 2008, the Planning Commission of the City of San Diego considered SDP No. 527861, and pursuant to Resolution No. _____ -PC voted to recommend City Council approval/denial of the permit; and

WHEREAS, the matter was set for public hearing on _____, 2008 testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to SDP No. 527861:

Findings Site Development Permit - Section 126.0504

(a) Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan;

The project proposes the development of a two-phased project to continue the use of an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement; and to develop a vacant triangular shaped parcel on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way with a 12,100 square-foot religious student center with a lower level garage of 17,000 square-feet of area as a Phase II entitlement. The City Council has required the retention of 10,000 square-feet of landscaping as a public amenity and a bike/pedestrian path required by City staff will separate the new religious student center from the adjacent single-family residence.

The project site consists of a total area of approximately 42,684 square feet which includes a single family home used for religious purposes located at 8976 Cliffridge Avenue (8,358 square feet existing; 9,166 square feet after the public right-of-way vacation), and the existing adjacent vacant site (15,350 square feet existing; 33,518 square feet after the public right-of-way vacation) which is bound on the north by La Jolla Village Drive, on the east by La Jolla Scenic Way and on the south by La Jolla Scenic Drive North. The project site is located in the Single Family Zone of the La Jolla Shores Planned District within the La Jolla Community Planning Area, Coastal Height Limit Overlay Zone, and the Campus Parking Impact Overlay Zone. The project site is not within the Coastal Overlay Zone. The Single Family Zone of the La Jolla Shores Planned District permits use for churches, temples and buildings of a religious nature.

The subject properties are designated as Low Density Residential (5-9 du/ac) in the La Jolla Community Plan. Religious uses are commonly found to fit within residential areas without adversely affecting the Land Use Plan. Additionally, the proposed use is permitted by the La Jolla Shores Planned District Ordinance which was adopted specifically to implement the Land Use Plan. The Hillel center is located directly across the street from the University of California and on the northern edge of the adjacent residential neighborhood, making it an appropriate location for the student-related activity.

The proposed development incorporates a number of specific design features which will allow the religious student center to achieve compatibility with the existing residential development in the vicinity. The center utilizes variations in height, textures, and rooflines in order to create the appearance of a series of smaller, individual structures. In addition, lower portions of the structure are concealed behind landscaped berms which will reduce the overall scale of the structure as viewed from the adjacent residential neighborhood. Torrey Pine trees are proposed as both street trees and in informal groupings around the periphery of the project, and will further screen and soften the structure at maturity. Parking for the facility is located within a subterranean garage and meets the San Diego Municipal Code requirement of 68 vehicle parking spaces. The garage is also equipped with a loading area, trash and recycling area, and a service elevator, so that any noise and visual impacts associated with these activities will be screened from surrounding residents.

In order to further minimize impacts to the adjacent residential neighborhood, staff has proposed specific conditions limiting the hours of operation for the center and the frequency of large events. The center will be permitted to be open from 7:00 AM to 10:00 PM daily, while all post-event cleanup and securing of the center must conclude by 11:00 PM. The number of occasional special events for the first twelve months of operation shall be limited to six. The number may be increased after the first year to a maximum of nine occasional special events per year with the approval of the Development Services Department Director, in his or her sole discretion, where Neighborhood Code Compliance will be in charge of documenting the number of these events.

The project also implements policies of the La Jolla Community Plan which recommend enhanced pedestrian-orientation. Non-contiguous sidewalks are located along the La Jolla Village Drive and La Jolla Scenic Drive North frontages, with Torrey Pine trees and other landscaping planted between the curb and sidewalk. While screening the project from the adjacent residential neighborhood, this configuration would also buffer pedestrians from automobile traffic to create an environment conducive to walking and transit use. As such, students would be encouraged to use transit or walk from the University of California at San Diego (UCSD) campus to the student center, reducing automobile traffic and demand for parking at the center.

The project is consistent with the policies contained in the La Jolla Community Plan to build out residential areas with development that is consistent with the surrounding area's residential character. The project is designed to blend with the scale and character of the surrounding residential uses with, similar setbacks, residential massing, warm materials,

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landscape berms and native vegetation. The building maintains a single story scale with a combination of flat and sloping roofs to provide articulation. At a proposed maximum height of 22 feet, the project is well under the 30-foot height limit of the zone.

By incorporating the cited design features and the conditions regarding operation of the center, the project implements the policies of the La Jolla Community Plan and will not adversely affect the applicable land use plans.

2. The proposed development will not be detrimental to the public health, safety, and welfare; and

The project proposes the development of a two-phased project to continue the use of an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement; and to develop a vacant triangular shaped parcel on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way with a 12,100 square-foot religious student center with a lower level garage of 17,000 square-feet of area as a Phase II entitlement. The City Council has required the retention of 10,000 square-feet of landscaping as a public amenity and a bike/pedestrian path required by City staff will separate the new religious student center from the adjacent single-family residence.

The project site consists of a total area of approximately 42,684 square feet which includes a single family home used for religious purposes located at 8976 Cliffridge Avenue (8,358 square feet existing; 9,166 square feet after the public right-of-way vacation), and the existing adjacent vacant site (15,350 square feet existing; 33,518 square feet after the public right-of-way vacation) which is bound on the north by La Jolla Village Drive, on the east by La Jolla Scenic Way and on the south by La Jolla Scenic Drive North. The project site is located in the Single Family Zone of the La Jolla Shores Planned District within the La Jolla Community Planning Area, Coastal Height Limit Overlay Zone, and the Campus Parking Impact Overlay Zone. The project site is not within the Coastal Overlay Zone. The Single Family Zone of the La Jolla Shores Planned District permits use for churches, temples and buildings of a religious nature.

The City of San Diego conducted an Initial Study, which determined that the proposed project construction could potentially result in significant but mitigable impacts in the areas of Paleontological Resources and Parking. Mitigated Negative Declaration Number 149437 was prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program would be implemented which would reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for Paleontological Resources and Parking

The proposed religious use is permitted in the La Jolla Shores Planned District Single-Family zone and would provide valuable services to UCSD students, the community of La Jolla and the City and County of San Diego. As designed, both phases of the development are compatible in character and scale with surrounding residential uses. In addition, Phase II will transform what is now a vacant, remnant parcel into a park-like amenity at a prominent gateway into the La Jolla community. The project is consistent with the applicable land use plans, complies with the regulations of the California Building Code and would benefit the UCSD and La Jolla communities. The project

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proposes to deviate from the regulations governing minimum width of a non-residential driveway. Staff supports the requested deviations as they are minor in nature, in some cases temporary, and reduce the impacts to existing on-street parking. Other than the requested deviations to driveway widths, the project is in conformance to the San Diego Municipal Code. For those reasons, the project would not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The project proposes the development of a two-phased project to continue the use of an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement; and to develop a vacant triangular shaped parcel on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way with a 12,100 square-foot religious student center with a lower level garage of 17,000 square-feet of area as a Phase II entitlement.

The use of the single-family home for religious purposes is proposed to continue until such time that the entitlements for Phase II are approved, and the 12,100 square-foot religious student center is constructed and approved for occupancy. Should Phase II be approved, the religious uses taking place in the single-family home would move into the new 12,100 square-foot facility, and the single-family home would return to a residential use. The existing single-family residence was constructed according to all codes and regulations in effect at the time of construction. Upon entitlement approval, building permits would be processed which would bring the existing single-family home into compliance with California Building Code requirements for the change of occupancy, including an increase in off-site parking.

As allowed through the approval of a Site Development Permit, the applicant is requesting to deviate from the regulations governing minimum width of non-residential driveways. Staff supports the requested deviations as they are minor in nature, in some cases temporary, and reduce the impacts to existing on-street parking.

Other than the proposed deviations described the proposed development would comply with the applicable regulations of the San Diego Municipal Code and be consistent with the recommended land-use, design guidelines, and development standards if effect for this site. The project has been reviewed in accordance with all applicable development regulations and the La Jolla Community Plan and Local Coastal Program, the City's General Plan, and the California Environmental Quality Act, and the permit has been conditioned to meet those requirements. Staff has determined the project complies with the applicable development regulations and would be consistent with the purpose and intent of the underlying zone. Staff believes the religious student center project is well designed and would be an asset to the neighborhood. Therefore, proposed development will comply with the applicable regulations of the Land Development Code.

(m) Supplemental Findings—Deviations for Sustainable Development

- 1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities**

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throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants;

The project proposes the development of a two-phased project to continue the use of an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement; and to develop a vacant triangular shaped parcel on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way with a 12,100 square-foot religious student center with a lower level garage of 17,000 square-feet of area as a Phase II entitlement.

The applicant is requesting to deviate from the regulations governing minimum width of non-residential driveways. Staff supports the requested deviations as they are minor in nature, in some cases temporary, and reduce the impacts to existing on-street parking.

The San Diego Municipal Code (SDMC) allows flexibility in the application of development regulations (deviations) for sustainable developments where strict application of the base zone development regulations would restrict design options and result in a less desirable project, through the processing of a Site Development Permit. The purpose of these regulations is to provide flexibility in the application of development regulations for projects which will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants.

The proposed development will materially assist in accomplishing the goal of reducing impacts associated with fossil fuel energy use and meet the requirements of City of San Diego Council Policy 900-14 through the installation of roof mounted photovoltaic panels and a fuel cell to provide 30% of the project's energy use through alternative means.

In addition the project's design proposes to incorporate the U. S. Green Building Council's Leadership in Energy and Environmental Design (LEED) silver design standards for sustainable design.

Therefore, the proposed development will materially assist in accomplishing the goal of reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources.

2. The development will not be inconsistent with the purpose of the underlying zone;
~~and~~

The project proposes the development of a two-phased project to continue the use of an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement; and to develop a vacant triangular shaped parcel on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way with a 12,100 square-

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foot religious student center with a lower level garage of 17,000 square-feet of area as a Phase II entitlement.

The project site is located in the Single Family Zone of the La Jolla Shores Planned District within the La Jolla Community Planning Area, Coastal Height Limit Overlay Zone, and the Campus Parking Impact Overlay Zone, and is designated for residential use in the La Jolla Community Plan. The La Jolla Shores Planned District Ordinance permits churches, temples or buildings of a permanent nature, used primarily for religious purposes in the SF zone. The use of the single-family home for religious purposes is proposed to continue until such time that the entitlements for Phase II are approved, and the 12,100 square-foot religious student center is constructed and approved for occupancy. Should Phase II be approved, the religious uses taking place in the single-family home would move into the new 12,100 square-foot facility, and the single-family home would return to a residential use. Should Phase II not be approved, the single-family home would remain as a religious use indefinitely, as allowed by the La Jolla Shores Planned District Ordinance.

The proposed development incorporates a number of specific design features which will allow the religious student center to achieve compatibility with the existing residential development in the vicinity. The center utilizes variations in height, textures, and rooflines in order to create the appearance of a series of smaller, individual structures. In addition, lower portions of the structure are concealed behind landscaped berms which will reduce the overall scale of the structure as viewed from the adjacent residential neighborhood. Torrey Pine trees are proposed as both street trees and in informal groupings around the periphery of the project, and will further screen and soften the structure at maturity. Parking for the facility is located within a subterranean garage and meets the San Diego Municipal Code requirement of 68 vehicle parking spaces. The garage is also equipped with a loading area, trash and recycling area, and a service elevator, so that any noise and visual impacts associated with these activities will be screened from surrounding residents.

In order to further minimize impacts to the adjacent residential neighborhood, staff has proposed specific conditions limiting the hours of operation for the center and the frequency of large events. The center will be permitted to be open from 7:00 AM to 10:00 PM daily, while all post-event cleanup and securing of the center must conclude by 11:00 PM. The number of occasional special events for the first twelve months of operation shall be limited to six. The number may be increased after the first year to a maximum of nine occasional special events per year with the approval of the Development Services Department Director, in his or her sole discretion, where Neighborhood Code Compliance will be in charge of documenting the number of these events.

The project also implements policies of the La Jolla Community Plan which recommend enhanced pedestrian-orientation. Non-contiguous sidewalks are located along the La Jolla Village Drive and La Jolla Scenic Drive North frontages, with Torrey Pine trees and other landscaping planted between the curb and sidewalk. While screening the project from the adjacent residential neighborhood, this configuration would also buffer pedestrians from automobile traffic to create an environment conducive to walking and

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transit use. As such, students would be encouraged to use transit or walk from the UCSD campus to the student center, reducing automobile traffic and demand for parking at the center.

The project is designed to blend with the scale and character of the surrounding residential uses with, similar setbacks, residential massing, warm materials, landscape berms and native vegetation. The building maintains a single story scale with a combination of flat and sloping roofs to provide articulation and meets coverage requirements. At a proposed maximum height of 22 feet, the project is well under the 30-foot height limit of the zone. Therefore, the proposed development will not be inconsistent with the purpose of the underlying zone.

- 3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.**

The project proposes the development of a two-phased project to continue the use of an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement; and to develop a triangular shaped parcel on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way with a 12,100 square-foot religious student center with a lower level garage of 17,000 square-feet of area as a Phase II entitlement.

The deviations requested within the proposed project affect temporary improvements in Phase I of the project and permanent improvements within Phase II. The first Phase I deviation is a request to deviate from San Diego Municipal Code regulations governing minimum width of a non-residential driveway. This would be a temporary deviation from the driveway width requirements, whereas, the applicant is proposing a 12-foot curb cut to access 8976 Cliffridge Avenue where the San Diego Municipal Code requires 24 feet for a non-residential use. This deviation assumes approval of Phase II and the public right-of-way vacation request. When Phase II is constructed, the religious offices and related use at 8976 Cliffridge Avenue would move into the new 12,100 square-foot facility (Phase II) and the single-family home would revert back to its original use, which only requires a 12-foot curb cut as a residential use.

The second deviation for Phase I is also a request to deviate from San Diego Municipal Code regulations governing minimum width of a non-residential driveway. However, this would be permanent deviation from the driveway width requirements, whereas, the applicant is proposing a 20-foot curb cut to access 8976 Cliffridge Avenue where the San Diego Municipal Code requires 24 feet for a non-residential use. This deviation assumes denial of Phase II and the Public Right-of-Way Vacation request, and the permanent use of the single family home at 8976 Cliffridge Avenue as a non-residential use. The deviation would be necessary to allow the single-family house at 8976 Cliffridge Avenue to have access to the street for the 6 required parking spaces. The deviation is required to preserve an existing mature tree and to allow code required depth of parking spaces. In addition, the deviation allows for the preservation of on street parking as well as maintaining visual consistency with adjacent single family development.

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The deviation for Phase II is also a request to deviate from San Diego Municipal Code regulations governing minimum width of a non-residential driveway, whereas, the applicant is proposing a 22-foot curb cut to access the underground parking garage as a part of Phase II where the San Diego Municipal Code requires 24 feet for a non-residential use. The deviation is necessary to allow for shared emergency egress, a turnaround (if denied access to the garage) from the garage and for required number of parking spaces to be provided. This minimizes the building's encroachment on the site, keeps the driveway as far away from adjacent intersections as possible, and minimizes the loss of on-street parking.

The proposed deviations assist in preserving the single-family nature of the surrounding development rather than emphasizing vehicular access which would increase the amount of impervious surfaces in the area and produce the potential for greater storm water runoff. Therefore, the proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Site Development Permit No. 527861 is granted to ROBERT MARSHALL, Trustee, Owner, and HILLEL OF SAN DIEGO, a California nonprofit Corporation, Permittee (Phase I) and HILLEL OF SAN DIEGO, a California nonprofit Corporation, Owner and Permittee (Phase II), under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL AGUIRRE, City Attorney

By _____

NAME

Deputy City Attorney

ATTY/SEC. INITIALS

DATE

Or.Dept:Clerk

R-_____

Form=permitr.frm(61203wct)

Reviewed by Daniel Stricker

**Transportation Demand and Parking Management Plan
Hillel Facility for UCSD Students
San Diego, California**

September 19, 2008

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Purpose and Need

Hillel of San Diego is proposing to develop Site 653 in the City of San Diego with an approximately 12,100 square foot Hillel Center to serve the Jewish students at UCSD. The Kimley Horn, *Traffic Generation, Site Access and Parking Evaluation of Hillel of San Diego Facility* of May 2004 indicated that a forty (40) space subterranean on-site parking structure previously planned within this project was expected to fully accommodate Hillel's parking needs for its regular weekly events, including its largest weekly event, Friday evening Shabbat services, held throughout the school academic year. The Parking Study was supported by surveys of modes of transportation by UCSD students attending Hillel events, by post occupancy studies at other Hillel facilities, and by the parking impact experience of other Hillel facilities. However, Hillel will provide a minimum of sixty-eight (68) on-site, underground parking spaces to ease the parking impact concerns of the surrounding community and meet the requirements of the San Diego Municipal Code. Hillel is employing parking lifts to achieve this number. Pursuant to providing sixty-eight (68) parking spaces on site, Linscott, Law & Greenspan, Engineers (LLG) provided a new *Traffic Impact Analysis*, dated July 07, 2008 to study the impact of the Hillel facility on the adjacent traffic environment. LLG provided traffic analysis for very "worst case" scenarios of "everybody walking" and "everybody driving" to the Hillel facility on a Friday, which is anticipated to be the day with the most potential impact to the facility and surrounding areas.

Hillel recognizes that the La Jolla Highlands neighborhood has experienced adverse parking impacts due to the growth of the UCSD campus. Hillel is committed to insuring that its new facility will not increase the adverse parking impacts on this residential neighborhood. Therefore, Hillel of San Diego agrees to bind its use of the facility to a Transportation Demand and Parking Management plan (TDPM).

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This Transportation Demand and Parking Management (TDPM) plan provides specific, measurable and interactive procedures to mitigate any parking and traffic impacts on the La Jolla Highlands neighborhood. While it is anticipated that the most common methods of traveling to and from the Hillel student center will involve non Single Occupancy Vehicle (SOV) modes of travel (i.e., walking, biking, UCSD shuttle service¹, public transit, carpooling etc.), it is recognized that some vehicles will be used to travel to and from the project. Accordingly, Hillel of San Diego has structured this TDPM plan to minimize or eliminate potential parking impacts associated with the project.

Transportation Demand and Parking Management (TDPM) measures include:

- A parking management strategy to control parking activity.
- Procedures to monitor and quantify the parking activity.
- Methods to validate the Linscott, Law & Greenspan, Engineers *Traffic Impact Analysis* of the Hillel of San Diego Facility dated July 07, 2008 via post-occupancy surveys and evaluations.
- Specific post occupancy modifications to be implemented in the event that the parking activity does or does not indeed significantly impact the La Jolla Highlands neighborhood.
- A mechanism to monitor and respond to feedback from members of the community.

This TDPM plan is a living document. The TDPM plan shall be adopted as a condition of the Site Development Permit. The monitoring program shall be conducted by Hillel in accordance with the *Post-Occupancy Surveys, Evaluations, and Studies* section of this TDPM plan. Hillel will meet with City of San Diego staff 3 years after Hillel opens to adapt and amend this TDPM plan, as needed, based upon the realities of the project's parking activity.

¹ The shuttle has an existing stop within ¼ mile of the facility and operates on a 10 minute frequency during the hours of 7:00 AM and Midnight, Mondays through Fridays and 9:00AM to Midnight on weekends.

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- 1. Transportation Demand and Parking Management Strategy**
- 2. Monitoring and Quantification**
- 3. Post Occupancy Surveys, Evaluations, and Studies**
- 4. Post Occupancy Modifications**

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Transportation Demand and Parking Management Strategy

This section outlines the methods used to manage the transportation and parking demands of the Hillel attendees during peak use of the facility (i.e., during Shabbat services and Occasional Special Events) after full occupancy of the facility is achieved. The goal of this TDPM plan strategy is to avoid spillover parking on neighboring streets during these activities. This goal will be achieved through the following policies and procedures:

I. Transportation Demand Strategy

- A. Emphasis on alternative modes of transportation**
- B. Remote parking shuttle service and staffing of off-site parking**
- C. Information program**
- D. Hillel student center policies**
- E. Community outreach**

II. Parking Management Strategy

- F. Maximum building occupancy policies**
- G. Shabbat service and Occasional Special Events parking monitoring**
- H. Off-site parking agreements**
- I. Daily parking policy**
- J. Policies pertaining to Occasional Special Events**
- K. Policies pertaining to the garage gate**
- L. Staff parking access**
- M. Monitoring of neighborhood parking**

A. Emphasis on alternative modes of transportation

Students will be encouraged to walk, bike, use the existing UCSD shuttle, and carpool to the facility when feasible.

- Bike racks will be provided within the garage.
- Flyers with information on the UCSD shuttle route will be provided at the Hillel Student Center.
- The UCSD Community Service Officer (CSO) Program system will be publicized and encouraged for people who do not want to walk alone to and from the Hillel student center.

B. Remote parking shuttle service and staffing of off-site parking

Hillel shall provide shuttle service between the off-site parking location(s) and the Hillel facility for both weekly Friday Shabbat services and the Occasional Special Events.

- The remote lot shuttle will drop passengers off within the subterranean parking garage. The shuttle will be provided one hour before to one hour after each event.
- Hillel shall provide staff at both the Hillel facility and the off-site locations to monitor parking for Shabbat services and Occasional Special Events.
 - In the event that the designated off-site parking location is changed for Friday night Shabbat services, Hillel shall provide a parking

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attendant at the original location an hour before the scheduled start time until an hour after the scheduled start time, for the first two scheduled events after the location change, to direct any applicable vehicles to the new off-site parking location. Hillel will also publish the change of location on its website and inform students by e-mail and other methods of the change of location as specified under the information program described herein.

- The monitors of the parking locations will have two-way communication capability to ensure shuttle riders are served.
- In the event of failure of the parking shuttle to operate during any Shabbat services or Occasional Special Events, Hillel will immediately suspend any activities with more than 204 people in attendance at the facility until the shuttle service is resumed and the resumed operation is approved by the Mayor/City Manager in his or her sole discretion.

C. Information program

Hillel will implement a comprehensive public information program to educate all Hillel students and visitors about the options for coming and going from the Hillel student center.

- The Shuttle pick-up/drop-off times and route map will be published on Hillel's website and available as a flyer in the Hillel office.
- A flyer will be produced by Hillel regarding transportation options and parking regulations. The flyer will include information on alternative modes of transportation to and from the Hillel student center, locations of off-site parking, recommended pedestrian arrival and departure, and parking permit regulations.
- This information will also be available to the students and general community through Hillel's website.
- Other materials that will include information pertaining to the TDPM plan are the quarterly calendar of events and the weekly Hillel e-mail.
- Hillel will also announce parking availability and regulations during announcements at Friday night Shabbat services.
- Hillel will advise visitors to the center for Friday night Shabbat services and during Occasional Special Events not to park in the neighborhood and that individuals that fail to comply with this policy will be asked to move their car or to leave the Hillel facility. The following will be included on the website and all printed literature:

Please note that parking is available at Hillel on a first come/first serve basis. In order to be good neighbors, we will not allow parking on the surrounding neighborhood streets. Individuals who fail to honor this rule will be denied admission to Hillel. Overflow parking is available for free at [location to be determined] with a shuttle service one hour prior to one hour after Shabbat and Occasional Special Events. For locations please call Hillel or go to <http://hillelsd.org>

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D. Hillel student center policies

- Hillel will not rent the facility for community weddings or Bar or Bat Mitzvahs.
- Hillel will not provide or rent the facility for use by other groups.
- Hillel hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Friday with events concluding by 10:00 p.m., allowing for 11:00 p.m. clean up and closing of the facility. Weekend hours shall be limited on Saturday from 8:00 a.m. to 10:00 p.m. and on Sunday from 10:00 a.m. to 6:00 p.m. unless there is a Jewish Holiday or Occasional Special Event.

E. Community outreach

- Hillel will be responsible for sending a representative to the La Jolla Community Planning Association's Traffic and Transportation committee at the beginning of each academic quarter (three times a school calendar year) to:
 - Update the community on Hillel's expected quarterly events.
 - Let the community know of any upcoming Occasional Special Events.
 - Update the community on the status of any complaints that have been received through Hillel's website and what response has been initiated.
 - Inform the community how to provide feedback through the website and have available hard-copy forms for those without internet access.
- Hillel shall notify the La Jolla Shores Association of any time that the Traffic and Transportation Committee of the La Jolla Community Planning Association considers issues related to the TDMP plan.
- Hillel agrees to participate in a Neighborhood Advisory Committee consisting of one representative from the University of California San Diego, two representatives appointed by the La Jolla Shores Association, two representatives appointed by Hillel, one neighborhood resident appointed by the City Council Representative for District One, and one neighborhood resident appointed by the Mayor/City Manager.
 - The committee shall be formed within thirty (30) days of the issuance of building permits, while working on construction issues as well, and shall work to facilitate appropriate interchange and beneficial collaboration between Hillel and the surrounding community, resolve disputes if possible, and advise the Development Services Department and the Neighborhood Code Compliance Department and the Mayor/City Manager of any disputes that are not resolved.

F. Maximum building occupancy policies

- The maximum building occupancy shall be 204 people at all times, except for Occasional Special Events.
- Occasional Special Events shall have a maximum occupancy of 400 people. Any event attended by more than 204 people is considered an Occasional Special Event.

G. Shabbat service and Occasional Special Events parking monitoring

- The Hillel facility will have an attendant monitor the garage entry. If the garage is full, vehicles will be directed to the off-site parking location.

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H. Off-site parking agreements

- In addition to the sixty-eight (68) spaces provided within the garage, Hillel shall provide an additional sixty-seven (67) off-site parking spaces through shared parking agreement for Hillel's weekly Shabbat services. The sixty-seven (67) parking spaces shall be available from one hour prior to the event until one hour after each Shabbat service. Hillel has entered into a parking agreement with UCSD to satisfy the Shabbat services off site parking requirement.
- Hillel shall provide an additional seventy-five (75) off-site parking spaces through shared parking agreement for Hillel's Occasional Special Events. The seventy-five (75) parking spaces shall be available from one hour prior to the event until one hour after each event. Hillel has entered into a parking agreement with UCSD to satisfy the Occasional Special Event parking requirement.
- Hillel has entered into a shared parking agreement for Shabbat service parking and Occasional Special Events parking with UCSD. Hillel will perform all of its obligations under this agreement and will maintain the agreement in full force and effect. Hillel will not amend or modify the shared parking agreement without the prior approval of the City of San Diego. Hillel will either cause the UCSD agreement to be extended prior to expiration of its term, or will enter into a new shared parking agreement with an off-site parking provider(s) for the required off-site parking spaces, satisfactory to the City of San Diego. In the event of cancellation of a shared parking agreement, Hillel will immediately suspend any activities with more than 204 people in attendance, which would effectively bring the cap down to what sixty-eight (68) spaces would support, including Shabbat services and Occasional Special Events at the facility until an equivalent parking management plan or shared parking agreement is secured and approved by the Mayor/City Manager in his or her sole discretion.
- During Shabbat services and Occasional Special Events, signs shall be placed and maintained in front of the project clearly indicating available parking spaces at the off-site location(s).
- The parking attendant in the subterranean parking garage will provide directions to the offsite parking location and shuttle information.
- During Shabbat services and Occasional Special Events, signs shall be placed and maintained at the entrance of the off-site parking location(s) clearly indicating that parking spaces are available for Hillel.
- If any of the off-site locations are further than 600' from the site, Hillel will provide shuttle service referred to in Section B of the *Transportation Demand Strategy* of this TDPM plan.

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I. Daily parking policy

- All visitor parking within the subterranean garage shall be for people visiting the Hillel facility only and shall only be for the duration of their visit to the Hillel facility.
- Two signs will be posted within the parking garage notifying drivers that the garage parking is for Hillel use only and all others will be towed.

J. Policies pertaining to occasional special events

- There will be a maximum of six (6) times during the first twelve (12) months of operation in which Hillel can hold an Occasional Special Event. The maximum number of Occasional Special Events may be increased after the first year to nine (9) times per year with the approval of the Mayor/City Manager, in his or her sole discretion, where the Neighborhood Code Compliance Department will be in charge of supervising the number of these events. The following policies will apply:
 - Hillel will notify neighbors a minimum of three weeks in advance of Occasional Special Events in specific reference to parking accommodations, expected attendance, and the nature of the event.
 - Notice will be made through a direct mailer to all addresses within 300 feet of the Hillel student center and a representative will inform the La Jolla Community Planning Association's Traffic and Transportation committee (see community outreach for scheduled attendance), and the Hillel web site will post any Occasional Special Event information.

K. Policies pertaining to the garage gate

- The subterranean garage gate will generally be kept closed for security purposes.
- The subterranean garage gate will be monitored at all times from within the student center with video and voice equipment for remote-controlled access to visitors, during normal facility hours of operation.
- For Shabbat and Occasional Special Events the subterranean garage gate will be attended by the parking attendant from 1 hour before the event to 1 hour after the event to control access.
- Hillel will not prohibit any of its staff, visitors, or anyone participating in its on-site activities from parking in the garage, unless during Shabbat services or an Occasional Special Event where the garage is full and the remote parking lot and shuttle service are being utilized.

L. Staff parking access

- All staff members will have controlled access to the garage.

M. Monitoring neighborhood parking

- Hillel will monitor the parking activity within the La Jolla Highlands neighborhood by a neighborhood parking monitor from 1 hour before each Shabbat service to 1 hour after each Shabbat service has begun, 4 times per year, for 3 years after occupancy of the facility. The monitor will be authorized to request that any student or visitor who is going to Hillel to move their car out of the surrounding neighborhood.

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Monitoring and Quantification

There will be two types of parking monitoring. The first type includes methods by which Hillel will monitor their parking program and the second type includes methods that provide a means for the community to communicate any complaints they have directly to Hillel.

Methods of monitoring parking activity

- Hillel will record the number of parking spaces used/available for each Shabbat and Occasional Special Event at both the on-site parking garage and the off-site parking location.
- Hillel's appointed monitor will collect data on the Shabbat service parking activity within the La Jolla Highlands neighborhood. The monitor will record the number of times students visiting Hillel must be told not to park on the following streets:
 - La Jolla Scenic Drive North (adjacent to the Hillel student center)
 - La Jolla Scenic Way
 - Cliffridge Ave between La Jolla Scenic Drive North and Nottingham Place
 - Nottingham Place
- Hillel will survey the on-street parking use at least nine (9) times and no more than twelve (12) times during the first year of operation and at least three (3) times and no more than five (5) times in subsequent years. The survey will start one hour prior to the beginning of Shabbat services and include measurements each hour until 1 hour after Shabbat services for the following streets:
 - La Jolla Scenic Drive North (adjacent to the Hillel student center)
 - La Jolla Scenic Way
 - Cliffridge Avenue between La Jolla Scenic Drive North and Nottingham Place
 - Nottingham Place

Methods for community feedback

- Hillel will provide means for community feedback through the mail and its website.
- The website will contain a section devoted to parking information and feedback. Community members will be able to download a feedback form and submit it to Hillel either electronically or by mail. Community members will be asked to supply the specific date, time, vehicle license number and nature of their complaint.
- *The link to Hillel's online feedback form is <http://hillelsd.org>*
- For those without internet access, forms can be obtained by mail from Hillel at the facility's future address, to be determined upon issuance of building permits, or, at their location at the time of application, which is:
 - Hillel of San Diego
 - 8976 Cliffridge Avenue
 - La Jolla, California 92037
- In addition, the Hillel representative to the La Jolla Community Planning Association's Traffic and Transportation committee will bring feedback forms to each meeting which a Hillel representative attends (see item E of the *Parking Management Strategy* of this TDPM plan.)

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- Feedback forms will be provided to the La Jolla Community Planning Association's Traffic and Transportation committee for distribution at each of their meetings.
- Feedback must be in written form (via internet or hard copy) to be documented.
- Community feedback monitoring shall continue in perpetuity.

002902

Post-Occupancy Surveys, Evaluations, and Studies

- Annual post-occupancy evaluation (or POE) studies shall be conducted by Hillel for Shabbat services and Occasional Special Events for 3 years after the facility becomes operational, satisfactory to the City Engineer and evaluated by the Mayor/City Manager at least nine (9) times and no more than twelve (12) times during the first year of occupancy, and at least three (3) times and no more than five (5) times per year in subsequent years as long as the TDPM plan remains in existence. The monitoring after the first year shall be conducted during times when school is in session and at least once during an Occasional Special Event. Hillel will submit a letter to the City of San Diego Development Services Department Director upon full occupancy to document when full occupancy was taken.
- Hillel will include the information gathered in the monitoring section of this TDPM plan, and the following additional items:
 - Number of cars that are turned away from the subterranean garage or the off-site location during each Shabbat
 - An annual summary of the type and frequency of the events that take place at Hillel's student center.
 - Review and summary of formal complaints that were submitted, with copies of the actual complaints.
 - Measurement of Hillel student on-street parking on the adjacent streets outlined in *Methods of Monitoring Parking Activity* during Shabbat.
 - Observe and survey the users of the off-site parking locations to find out:
 - How is it working?
 - How many cars are parking in the lot on Shabbat?
 - Is there any confusion?
 - Review operations of on-site parking to find out:
 - How many cars were turned away for each Shabbat?
 - How is it working?
 - Is there any confusion?
- Conclusions of the POE shall include:
 - The POE will determine the actual parking demand of the Hillel student center.
 - The POE will determine if there is an adverse impact upon the La Jolla Highlands neighborhood.
 - The POE will determine the validity of the calculated parking demand within the Linscott, Law & Greenspan, Engineers *Traffic Impact Analysis* of the Hillel of San Diego facility dated July 07, 2008.
- Hillel will submit the POE to the City of San Diego City Engineer and copy the La Jolla Community Planning Association's Traffic and Transportation committee.

Post-Occupancy Modifications

This section describes modifications that Hillel will employ depending on the conclusions found in the POE.

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- Any modification to the TDPM (Transportation Demand and Parking Management) plan shall require a Process 4 modification to the SDP which can be appealed to the City Council.
- If conditions in the neighborhood change with respect to parking (such as red curbing, residential permit parking etc...) the Mayor/City Manager can modify or eliminate these requirements through a Process 4 modification to the SDP which can be appealed to the City Council.
- If the post occupancy study indicates the need for additional off-site parking, then Hillel shall secure the additional needed parking spaces, satisfactory to the Mayor/City Manager. If the post occupancy study indicates that Hillel has no need for the required off-site parking spaces, then those spaces do not need to be provided, and shared parking agreements can be terminated, through a Process 4 modification to the SDP which can be appealed to the City Council.
- If it is determined that more than 6 vehicles (10% of garage capacity), on average, are turned away from parking within the subterranean parking garage on Shabbat a parking permit policy will be implemented for parking within the subterranean garage during Shabbat services. Parking permit policies will be established in consultation with the Mayor/City Manager but may include the following: Sixty-one (61) free permits will be issued one week prior to the start of each academic quarter. Five (5) non-permitted spaces will be reserved for invited guests. Drivers with ADA needs will not be turned away if they do not have a permit. Two (2) spaces will be reserved for ADA users indefinitely. Up to twenty (20) of the sixty-one (61) permits will be dedicated for "drivers of carpools only". The remaining forty-one (41) permits will be distributed at Hillel's discretion based on the priority listing below. No permits will be issued to campus residents or others living within close proximity to campus. Once the permits have all been allocated, students who apply for Shabbat permits will be put on a waiting list and then be directed to park at one of the off-site locations if they still plan to drive to the site.

Priority of permits

- People with ADA needs
 - Carpoolers
 - Off-campus students
 - Others
 - Hillel will reserve the right to revoke a pass for a higher priority user.
- If the offsite parking location is within six hundred (600) feet of the project, no shuttle service shall be required.

Post 3 Year Review

- Any modification to the TDPM (Transportation Demand and Parking Management) plan shall require a Process 4 modification to the SDP which can be appealed to the City Council.

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- If Hillel finds that they no longer require the off-site parking after the initial 3 year POE period, Hillel must submit a POE to the Mayor/City Manager prior to rescinding the off-site parking agreement(s).
- If the Mayor/City Manager deems it necessary based upon neighborhood complaints or other legitimate reasons verified by the City Traffic Engineer after the initial 3 year POE period, Hillel must submit a POE to the Mayor/City Manager for review and if necessary implementation of a post occupancy modification.

[END]

LICENSE AGREEMENT BETWEEN
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
AND
HILLEL OF SAN DIEGO

002005

This License Agreement ("Agreement") is made and entered into this (date to be filled in by UCSD-Real Estate Development after both parties have signed) 6th day of JULY, 2005, by and between THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, a California corporation, ("Licensor"), on behalf of the San Diego Campus ("UCSD") and HILLEL OF SAN DIEGO, a California non profit corporation ("Licensee").

RECITALS

WHEREAS, Licensor is the owner of real property consisting of various parking lot facilities located at UCSD; and

WHEREAS, Licensee is proceeding with the development of a permanent Hillel Center ("Hillel Center") to serve the Jewish students at UCSD, to be located adjacent to UCSD on La Jolla Village Drive, and in connection with its development and use of the Hillel Center has requested permission for itself, its guests, and employees to use parking facilities in a parking lot at UCSD (the "Premises"), to be designated in accordance with the terms of this Agreement, for Licensee's use during Friday night Shabbat Services ("Shabbat Services") and for special event overflow parking up to 12 times per year ("Special Events") while UCSD is in session, at Licensor's facilities; and

WHEREAS, Licensor desires to grant such permission under the terms and conditions as set forth below:

NOW, THEREFORE, the parties agree as follows:

1. Use. Licensor hereby grants to Licensee, its agents and contractors, a non-exclusive License to enter upon and use the Premises and the right of ingress and egress to and from the Premises, subject to the terms and conditions herein, for the purpose of parking a maximum of sixty seven (67) passenger vehicles owned by Licensee's invitees, guests and employees for Shabbat Services and a maximum of seventy five (75) passenger vehicles owned by Licensee's invitees, guests and employees for Special Events and for providing for pick-up/drop off sites for shuttle services between the Premises and the Hillel Center ("License"). The hours of use permitted in this License shall be each Friday from 5 p.m. until 12:00 p.m. for the purpose of Shabbat Services. The hours of use for Special Events shall be subject to the prior designation and approval by Licensor for each requested date and time of use, in accordance with the notice procedures set forth herein. Provided, however, the use of the Premises will be subject to availability for Special Events occurring before 5 p.m. during UCSD's normal academic or work week.

2. Premises.

2.1 The particular parking lot facility to be used as the Premises hereunder shall be designated by Licensor from time to time during the term of this License in the exercise of Licensor's reasonable discretion, with the intent that Licensor shall reasonably designate a parking lot in closest proximity to the Hillel Center that is anticipated to have sufficient parking availability during the date and time of the Licensed use. Licensee has requested use of one of the following Lots P604 or P608 for Shabbat Services. The location of these Lots is depicted on Exhibit A attached hereto and incorporated herein by reference. Licensor and Licensee acknowledge that these facilities currently have adequate parking availability to meet Licensee's need for Shabbat Services; however, availability may change over time and another location for the designated Premises may be more appropriate. Licensor hereby approves one of the above referenced Lots for Shabbat

002900 Services use, subject to Licensor's right to designate another Lot as the Premises for Shabbat Services in accordance with the terms of this paragraph. Licensor and Licensee shall confer on any changes in location of the designated Premises as necessary from time to time. ATTACHMENT

2.2 The designation of the Premises for Special Events shall be made by Licensor based upon anticipated availability of parking at the proposed location on and at the particular date and time as reasonably determined by Licensor with the intent that Licensor shall reasonably designate a parking lot in closest proximity to the Hillel Center as is reasonably feasible. Licensee shall provide not less than 120 days' notice to Licensor of the date and hours of Licensee's Special Event and Licensor and Licensee shall confer on the appropriate designated Premises for Licensee's use for such Special Event. Licensor shall notify Licensee of the designated Premises for the Special Event at least 30 days prior to the date of the Special Event, provided that Licensee has given adequate notice to Licensor as stated herein.

2.3 Use of any parking lot will be on a non-exclusive basis.

3. Term. The term of this License Agreement shall commence on the date of issuance of a certificate of occupancy (and Licensee shall provide Licensor with written notice thereof) after completion of the Hillel Center (expected between Fall 2006 and Spring 2007) for a period of five (5) years, and shall expire no later than the close of Spring semester in 2012. However, after the expiration of the initial term of this Agreement, this Agreement may be renewed with the written mutual agreement of Licensor and Licensee.

4. Consideration. Licensee shall pay to Licensor a fee for each parking space on the Premises used by Licensee hereunder at the daily or evening parking rate then in effect by Licensor as applicable to the time and date of the event. For instance, Licensor does not currently charge for public parking at the University for weekend use. However, if parking rates or policies are changed in the future, Licensee shall pay the applicable rate then in effect. In addition, Licensor may charge Licensee a standard and customary administrative fee for implementing this Agreement. All payments shall be made within 10 days after the completion of the Licensed use and shall be submitted and made payable to The Regents of the University of California and remitted to:

Director, Operations
Transportation & Parking Services, 0040
University of California, San Diego
9500 Gilman Drive
La Jolla, CA 92093-0040

5. Conditions Applicable to License. This License is subject to all existing covenants, conditions, reservations, contracts, leases, licenses, easements, encumbrances, restrictions and rights of way with respect to the Premises, whether or not of record.

6. Licensee Responsibilities

Licensee shall:

- A. Accept the Premises on an "as is" condition basis and acknowledge that no further improvements will be made by Licensor.
- B. Limit its use to provide parking on the Premises on the dates and during those times that have been specifically designated by Licensor to event guests, invitees and/or employees. Licensee shall not collect any money on the Premises for parking.

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ATTACHMENT

- C. Provide, at its sole cost and expense, appropriate signage as desired, for its temporary parking. Licensee agrees to place such signage on the Premises no earlier than the day of the event and will remove such signage at the conclusion of the event.
- D. At Licensee's option, provide a security guard(s) on site to oversee Premises and direct vehicles during time of the licensed use at its sole cost and expense. It is understood by both parties that the Licensor assumes no responsibility for stolen and/or damaged property on the Premises during the term of this Agreement.
- E. Licensee shall take reasonable steps to advise its employees, invitees and guests that no parking under this Agreement should occur on UCSD land other than the Premises, except pursuant to a valid parking permit approved for such location. Licensee acknowledges that Licensor will cite violators who park on or in non-licensed areas and may, in its election, tow offending vehicles, at the vehicle owner's expense, if warranted.
- F. Assume all responsibility for clean up of the Premises after each use and during the term of this License Agreement, agreeing to leave the Premises in its original condition.
- G. Notify UCSD Campus Police of any unusual occurrence or emergency (858-534-4357).

7. No Transfer or Assignment. This License is personal to Licensee. Any attempt to assign this License shall terminate it.

8. No Interference. Licensee shall not unreasonably interfere with the normal operation and activities of Licensor, and Licensee shall use such procedures in its activities on the Premises as shall result in the least practical damage to the Premises and inconvenience to Licensor.

9. Repair and Restoration. If Licensee, its agents or contractors cause any damage to the Premises or to Licensor's roads, infrastructure or other property and improvements (collectively "Property") in connection with the exercise of the rights under this Agreement, Licensee shall repair and restore the Premises and Property to at least their original condition prior to Licensee's entry to and use of the Premises. At the expiration of each Licensed use, Licensee shall immediately cease use of the Premises. Licensee shall perform the repair and restoration required hereunder prior to or within ten (10) days after the expiration of each Licensed use. In the event that repair and restoration is performed following the termination of this Agreement, the Licensee's Indemnity and Insurance obligations in paragraphs 13 and 14 shall continue until repair and restoration is completed as provided herein.

10. Breach and Cure. In the event that the Licensee breaches any of its obligations under this Agreement, Licensee shall have ten (10) days from the receipt of written notice from Licensor specifying the nature of such breach, to cure such breach. If more time is reasonably required for Licensee's performance, then Licensee shall commence performance within such ten (10) day period and, thereafter diligently proceed to completion. If Licensee fails to cure or to commence cure within such ten (10) day period then Licensor shall have the right to terminate this License immediately by serving Licensee with written notice of termination. Licensor shall have, for all defaults in the performance of Licensee's obligations under this License, all rights and remedies available under California law including, but not limited to, actions for damages and specific performance.

002908 11 Alteration in Writing. This License supersedes any and all prior understandings and agreements, whether written or oral, between the parties with respect to the subject matter of this License. No alteration or variation of this License shall be valid unless made in writing and signed by Licensor and Licensee. ATTACHMENT

12. Notices. Any notice required hereunder shall be in writing and shall be addressed as follows:

To Licensor:

By U.S. Mail:

Director
University of California, San Diego
Real Estate Development, 0982
9500 Gilman Drive
La Jolla, CA 92093-0982

By Hand Delivery:

Director
University of California, San Diego
Real Estate Development
10280 N. Torrey Pines Road, Suite 365
La Jolla, CA 92037

With a copy to:

Director, Operations
University of California., San Diego
Transportation and Parking Services
9500 Gilman Drive, 0040
La Jolla, CA 92093-0040

To Licensee:

Executive Director
Hillel of San Diego
8976 Cliffridge Avenue
La Jolla, CA 92037

Or to such other address as either party may indicate in written notice to the other. All notices and communications given under this License Agreement shall be deemed to have been duly given and received: (i) upon personal delivery, or (ii) as of the third business day after mailing by United States certified mail, return receipt requested, postage prepaid, addressed as set forth above, or (iii) the immediately succeeding business day after deposit (for next day delivery) with Federal Express or other similar overnight courier system, or (iv) 24 hours after facsimile transmittal with confirmation of receipt and followed by personal delivery, United States mail, or overnight delivery as specified in this Paragraph.

13. Indemnification. Licensee shall indemnify, defend and hold harmless Licensor, its officers, agents, and employees from and against any claims, damages, costs, expenses, or liabilities (collectively "Claims") arising out of or in any way connected with this License including, without limitation, Claims for loss or damage to any property, or for death or injury to any person or persons but only in proportion to and to the extent that such Claims arise from the negligent or intentional acts or omissions of Licensee its officers, agents, invitees or employees.

14. Insurance.

- 14.1 Licensee's Insurance. Licensee, at its sole cost and expense, shall insure its activities in connection with this License and obtain, keep in force, and maintain insurance as follows:

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- A. Commercial Form General Liability Insurance (contractual liability included) with minimum limits as follows:

ATTACHMENT 13

i.	Each Occurrence	\$1,000,000
ii.	Products/Completed Operations Aggregate	\$1,000,000
iii.	Personal and Advertising Injury	\$1,000,000
iv.	General Aggregate	\$2,000,000

If the above insurance is written on a claims-made form, it shall continue for three (3) years following termination of this License. The insurance shall have a retroactive date of placement prior to or coinciding with the commencement of the Term of this License.

- B. Business Automobile Liability Insurance for owned, scheduled, non-owned, or hired automobiles with a combined single limit of not less than One Million Dollars (\$1,000,000.00) per occurrence.
- C. Property Insurance, Fire and Extended Coverage Form in an amount sufficient to reimburse Licensee (or all of its equipment, trade fixtures, inventory, fixtures and other personal property located on or in the Premises.
- D. Workers' Compensation as required by California law
- E. Such other insurance in such amounts which from time to time may be reasonably required by the mutual consent of Licensor and Licensee against other insurable risks relating to performance.

The coverages required herein shall not limit the liability of Licensee.

The coverages referred to under A and B of this Section 14.1 shall include University as an additional insured. Such a provision shall apply only in proportion to and to the extent of the negligent acts or omissions of Licensee, its officers, agents, and employees. Licensee, upon the execution of this License, shall furnish University with certificates of insurance evidencing compliance with all requirements. Certificates shall provide for thirty (30) days (ten [10] days for non-payment of premium) advance written notice to University of any material modification, change or cancellation of the above insurance coverages.

14.2 Waiver of Subrogation. Licensee hereby waives any right of recovery against Licensor as a result of loss or damage to the property of Licensee when such loss or damage arises out of an Act of God or any of the property perils included in the classification of fire, extended perils ("all risk" as such term is used in the insurance industry) whether or not such peril has been insured, self-insured, or non-insured.

15. Right of Cancellation. Either Licensee or Licensor has the right to cancel this Agreement at any time, without liability, if services can no longer be provided due to extenuating or unforeseen circumstances. Notice of such cancellation shall be provided by either party to the other, in writing, giving at least 120 days' notice of the intention to cancel the Agreement.
16. Lien Free Condition. Licensee shall not cause or permit any liens to be placed against the Premises or against Licensor's other property as a result of Licensee's exercise of rights under this License. In the event of the filing of any such liens, Licensee shall promptly (but in no event more than 30 days) cause such liens to be removed.

IN WITNESS WHEREOF, the parties hereto have executed this License Agreement as of the

ATTACHMENT 1:

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date first above written.

LICENSEE:

HILLEL OF SAN DIEGO,

By: 

Robert B. Lapidus
Vice President of Facilities
Board of Trustees

Date: 6/30/05

LICENSOR:

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

SEE ATTACHED SIGNATURE PAGE

By: _____

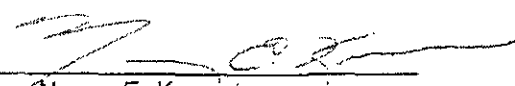
Nancy E. Kossan
Director, UCSD Real Estate Development

Date: _____

C000613

LICENSOR:
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

By:



Nancy E. Kossan
Director, UCSD Real Estate Development

Date:

7/6/05

EXHIBIT A
LOCATION OF PARKING LOTS P604 and P608

ATTACHMENT 13

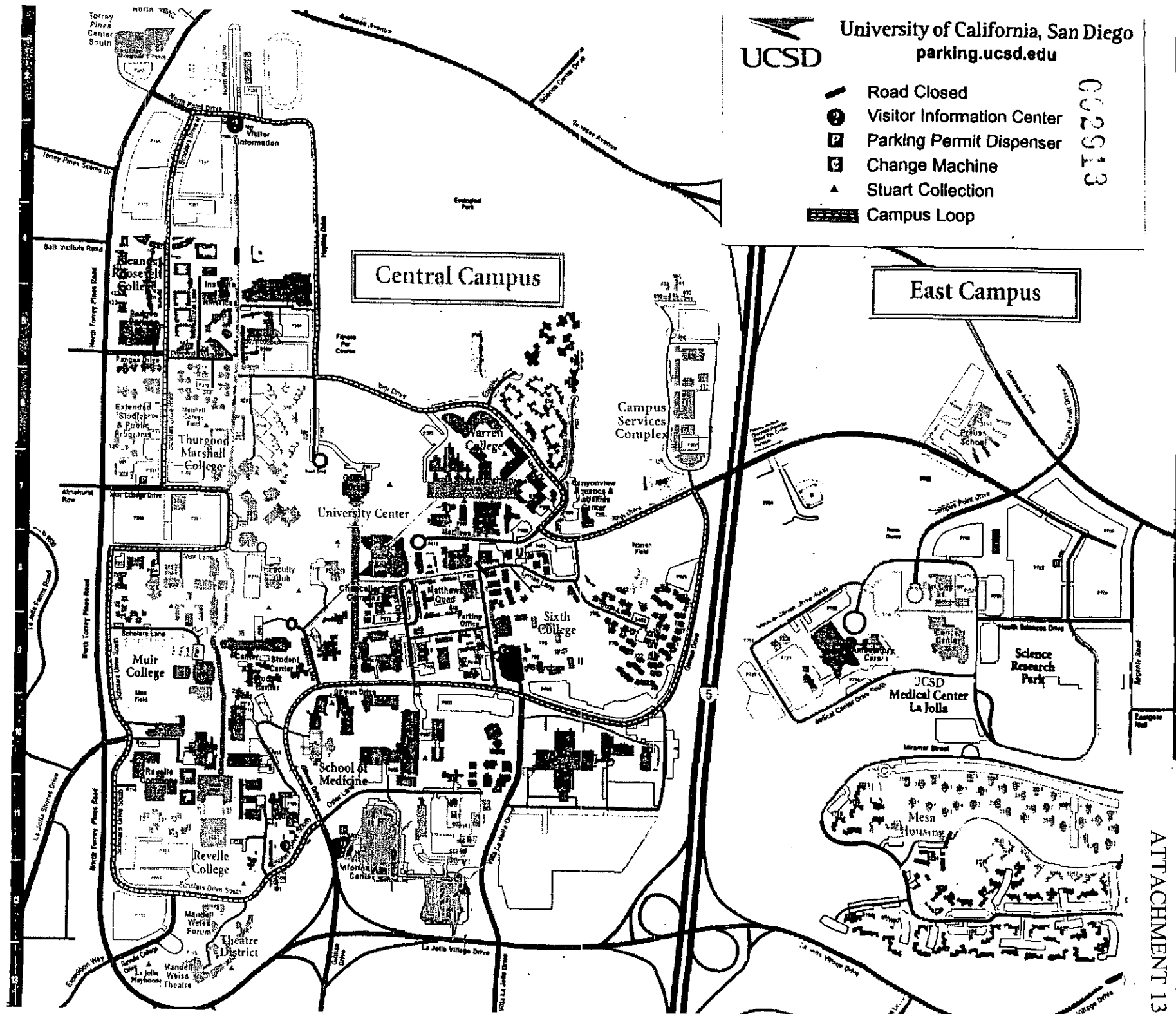
002912



University of California, San Diego
parking.ucsd.edu

002913

- Road Closed
- Visitor Information Center
- Parking Permit Dispenser
- Change Machine
- Stuart Collection
- Campus Loop



002914

002915



La Jolla Community Planning Association

Regular Meeting – 4 September 2008

Attention: Dan Stricker, PM, City of San Diego

Project: Hillel Student Center
8976 Cliffridge Avenue

PN: 149437

Motion: Following the recommendations of the La Jolla Traffic and Transportation Board and the La Jolla Shores Permit Review Committee, we move that the LJCPA recommend denial of the project because of:

Vote: 14-0-0

1. Inadequate transportation plan with impacts on adjacent intersections and pedestrian movements,
2. Detrimental street vacation for which the findings cannot be made,
3. Insufficient parking,
4. Unpermitted use of a Student Center in the La Jolla Shores PDO,
5. The project does not meet the green space requirements of the LJSPDO on its own without the public right of way vacations

Motion: The President of the LJCPA send a letter to the City that:

Vote: 14-0-0

1. Points out the errors in the draft Mitigated Negative Declaration (MND) and
2. Requests an EIR with better analysis of transportation, parking, street vacation, open space, land use, and community character.

Submitted by:

Joseph LaCava

7 September 2008

Joe LaCava, President, La Jolla CPA

Date

La Jolla Shores Permit Review Committee (8-26-2008)

Deny the project because findings cannot be made to support based on detrimental street vacation, insufficient parking and non-approved use of a student center in the PDO, 4-1-0.

La Jolla Traffic & Transportation Board (7-24-2008)

1. Cannot make findings on street vacation, 3-2-1;
2. Deny project due to parking issues, 4-0-2;
3. Project creates an inadequate transportation plan with impacts on adjacent intersections and pedestrian movements, 4-2-0.

002917 LA JOLLA SHORES PLANNED DISTRICT

Applicant: HILL OF SAN DIEGO Item: #1 9/16/08
 Date: September 16, 2008

To: Planning Director
 From: La Jolla Shores Planned District Advisory Board
 Subject: Proposal Within La Jolla Shores Planned District

The La Jolla Shores Planned District Advisory Board has reviewed the applicant for:

HILL OF SAN DIEGO STUDENT COUNTRY -

COMMUNITY WOULD TO DENY THE PROJECT -

PARKING, TRAFFIC, IMPACT ON SURROUNDING NEIGHBORHOOD

NON CONFORMING USE AS A STUDENT COUNTRY, STREET VACATION?

NON-USE BY THE SFR COMMUNITY, AND MORE.

located _____

and recommends:

- ☐ A. Approval because of conformity to criteria and design standards adopted by the City Council
- ☐ B. Denial because of nonconformity to criteria and design standards adopted by the City Council. (Reasons for nonconformity on reverse side.)
- ☐ C. Approval subject to the following modifications to ensure conformity to criteria and design standards adopted by the City Council.

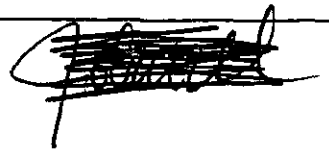


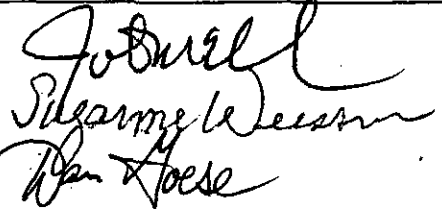
- D. Denial because of lack of four affirmative votes.

Board Signatures

Approving Item: 2/0

Disapproving Item: 4





Absentees:


Chairman

002919



THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☒ Site Development Permit ☒ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☒ Other Street Vacation

Project Title

Hillel of San Diego Student Center - La Jolla

Project No. For City Use Only

149437

Project Address:

Intersection of La Jolla Scenic Dr & La Jolla Village Drive

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:


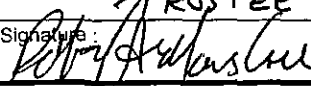
002920

Project Title: Hillel of San Diego Student Center - La Jolla	Project No. (For City Use Only)
--	--

Legal Status (please check):

☐ Corporation ☐ Limited Liability -or- ☐ General) What State? _____ Corporate Identification No. _____
☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** ☐ Yes ☐ No

Corporate/Partnership Name (type or print): <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <u>Site 653</u> Street Address: 8976 Cliffridge Avenue City/State/Zip: La Jolla, CA 92037 Phone No: _____ Fax No: _____ 619-232-3169 Name of Corporate Officer/Partner (type or print): Robert Lapidus Title (type or print): Vice President, Facilities Signature:  Date: Jan 29, 2008	Corporate/Partnership Name (type or print): <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <u>8976 Cliffridge Ave</u> Street Address: 8976 CLIFFRIDGE AVE City/State/Zip: LA JOLLA, CA 92037 Phone No: _____ Fax No: _____ 619-232-3169 Name of Corporate Officer/Partner (type or print): ROBERT MARSHALL Title (type or print): TRUSTEE Signature:  Date: TRUSTEE 1/29/08
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Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: _____ Date: _____	Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: _____ Date: _____
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Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: _____ Date: _____	Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: _____ Date: _____
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Hillel of San Diego

Board of Directors Roster 2007-2008

Executive Committee

<u>Name</u>	<u>Title</u>					
Michael Breslauer	President					
Jodi Abel	VP Development					
Geoffrey Berg	VP Finance					
Hollie Bierman	VP Multi- Campus					
Paul Datnow	VP UCSD					
Jodie Kaplan	VP SDSU					
Bob Lapidus	VP Facilities					
Robert Lawrence	VP Facilities					
Alan Nevin	Secretary					
Joshua Richman	VP Personnel					
Jami Datnow Rosenthal	VP Board development					
Karen Silberman	VP Marketing					
Neal Singer	Past President					
Herb Solomon	Chair Capital Campaign					

002923

ATTACHMENT 17

Project Chronology

Hillel of San Diego Student Center – Project No. 149437

Date	Action	Description	City Review Time	Applicant Response
6/12/08	First Submittal	<i>Project Deemed Complete After Mandatory Initial Review</i>		
6/30/08	Initial Review Assessment Letter	Issued to Applicant	12 Business Days	
7/21/08	Second Submittal	Submitted by Applicant		14 Business Days
8/5/08	Second Review Assessment Letter	Issued to Applicant	11 Business Days	
8/15/08	Third Submittal	Submitted by Applicant		8 Business Days
8/25/08	Third Review	Issued to Applicant	6 Business Days	
9/25/08	Applicant Works to Resolve All Issues			22 Business Days
10/1/08	Applicant Supplies Required Documents			4 Business Days
10/1/08		Staff Completes Hearing Documents	0 Business Days	
10/16/08 *	Planning Commission Hearing	First Available Hearing		
Total Staff Time			29 Business Days	
Total Applicant Time				48 Business Days
Total Project Running Time		From Deemed Complete to PC Hearing	4 Months, 4 Days	

* After final environmental document and first available Planning Commission Date

NOTICE OF DETERMINATION

002925

TO: ☒ Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Number: 149437

State Clearinghouse Number: N/A

Permit Number: Site Development Permit No. 527861; Public Right-of-Way Vacation No. 527860 and Easement Acquisition No. 584509

Project Title: Hillel of San Diego Student Center

Project Location: 8976 Cliffridge Avenue, La Jolla CA 92037

Project Description:

HILLEL OF SAN DIEGO. SITE DEVELOPMENT PERMIT / PUBLIC RIGHT-OF-WAY VACATION / EASEMENT DEDICATIONS / (PROJECT NO. 149437) to allow the phased development of the Hillel of San Diego Religious Student Center. Phase I would consist of the continued operation of religious administrative offices in the existing single family residence located at 8976 Cliffridge Avenue. Phase II would consist of the construction of a new one-story, 12,100 square-foot religious student center building, above a 17,000 square-foot subterranean garage, on an existing adjacent vacant lot. The current vacant lot is bounded to the north by La Jolla Village Drive, to the east by La Jolla Scenic Way and to the south by La Jolla Scenic Drive and is approximately 15,350 square-feet. Project approval would allow approximately 18,168 square-feet of land to be added to the existing site, for a total of an approximately 33,518 square-foot site. The project site is located within the Single Family Zone of the La Jolla Shores Planned District, Coastal Height Limit Overlay Zone, Campus Parking Impact Overlay Zone and the La Jolla Community Planning Area. Legal Description: Lot 67 of La Jolla Highlands Unit No. 3, in the City of San Diego, County of San Diego, Parcel Map No. 3528 and Portion of Lot 1299, Miscellaneous Map 36, Pueblo Lands, in the City of San Diego, County of San Diego. Applicant: Hillel of San Diego

Project Contact: Lisa Goldstein (858) 550-2210, 8976 Cliffridge Avenue, La Jolla CA 92037

This is to advise that the City Council of the City of San Diego, on December 2, 2008, approved the above described project and made the following determination:

1. The project in its approved form ☐ will, ☒ will not, have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.
☒ A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
☐ An addendum to was prepared for this project pursuant to the provisions of CEQA.

Record of project approval may be examined at the address above.

3. Mitigation measures ☒ were, ☐ were not, made a condition of the approval of the project.
4. (EIR only) Findings ☐ were, ☒ were not, made pursuant to CEQA Guidelines Section 15091.
5. (EIR only) A Statement of Overriding Considerations ☐ was, ☒ was not, adopted for this project.

002026

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Entitlements Division, Fifth Floor, Development Services Department, 1222 First Avenue, San Diego, CA 92101.

Analyst: Marc Cass

Telephone: (619) 446-5330

Filed by: _____

Signature _____

Title _____

Reference: California Public Resources Code, Sections 21108 and 21152.

002927

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, on June 12, 2008, Hillel of San Diego submitted an application to the City of San Diego for a site development permit, public right-of-way vacation and easement dedication; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on _____; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 149437; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 149437, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process,

002928

has been reviewed and considered by this Council in connection with the approval of site development permit, public right-of-way vacation and easement dedication for Hillel of San Diego Student Center [Project].

BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:als

11/17/08

Or.Dept:DSD

R-2009-659

MMS#7044

Attachment: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
HILLET OF SAN DIEGO STUDENT CENTER
SITE DEVELOPMENT PERMIT, PUBLIC RIGHT-OF-WAY VACATION AND
EASEMENT DEDICATION
Project No. 149437

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with California Public Resources Code section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, California 92101. All of the mitigation measures contained in the Mitigated Negative Declaration, Project No. 149437 shall be made conditions of the Site Development Permit as may be further described below.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

GENERAL REQUIREMENTS

1. Prior to issuance of a Notice to Proceed (NTC), the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that Mitigation Measures for Paleontological Resources –have been included in entirety on the submitted construction documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.
2. Prior to the commencement of work, a Preconstruction Meeting (Pre-con) shall be conducted and include the City of San Diego's Mitigation Monitoring Coordination (MMC) Section, Resident Engineer, Building Inspector, Project Paleontologist, Applicant and other parties of interest.
3. Evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD)

Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

- B. Letters of Qualification have been submitted to ADD
 - 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
 - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
 - 3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

- A. Verification of Records Search
 - 1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
- B. PI Shall Attend Precon Meetings
 - 1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
 - 2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
 - 3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC.

Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.

- c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,

- a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
- b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
 1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

PARKING

1. The applicant shall provide a minimum of 68 on-site, underground parking spaces. In its discretion, the applicant may employ parking lifts to achieve this number. Applicant shall not prohibit any of its staff, visitors or person participating in its on-site activities from parking in the garage. Applicant acknowledges that any such closure is grounds for the immediate suspension of all operations by the Director of Development Services

Department and Neighborhood Code Compliance Department, in his or her sole discretion.

2. The project shall provide an additional 67 off-site parking spaces through shared parking agreement for weekly Shabbat services. The 67 parking spaces shall be available from 1 hour prior to the event until 1 hour after each Shabbat Service.
3. The project shall provide additional 75 off-site parking spaces through shared parking agreement for special events. The 75 parking spaces shall be available from 1 hour prior to the event until 1 hour after each event.
4. Prior to the issuance of the first building permit, a shared parking agreement shall be provided between the applicant and the off-site parking provider(s) for the required off-site parking spaces, satisfactory to the City of San Diego.
5. Hillel shall provide shuttle service between the off-site parking location(s) and the student center facility for both weekly Friday Shabbat services and the occasional special events. If the location of the off-site parking is within 600 feet, no shuttle service will be necessary.
6. In the event of a cancellation of a shared parking agreement, the applicant will immediately suspend any activities with more than 204 people in attendance, which would effectively bring the cap down to what 68 spaces would support, including Shabbat services and occasional special events at the facility until an equivalent parking management plan or shared parking agreement is secured and approved by the Director of Development Services Department in his or her sole discretion and executed by the applicant. In the event of failure of the parking shuttle to operate during any Shabbat services, the applicant will immediately suspend any activities with more than 204 people in attendance at the facility until the shuttle services is resumed and the resumed operation is approved by the Director of Development Services Department in his or her sole discretion and executed by the applicant. At any time after the first year of operation of the facility, the Director of Development Services Department may, in his or her sole discretion, require that this Shabbat services off-site parking requirement and shuttle requirement be continued or discontinued. This would take 67 parking spaces, in addition to the 68 on-site spaces that would be the parking requirement. If for any reason the off-street parking is not satisfied or the shuttle is not available, the occupancy of the facility shall be limited to 204 people, which is what the 68 on-site parking spaces would support.
7. In the event of a cancellation of a shared parking agreement, the applicant will immediately suspend any activities with more than 204 people in

attendance for Shabbat services and occasional Special Events (which are limited to six times a year for the first year and up to nine times a year thereafter with the approval of the Director of Development Services Department at the facility until an equivalent parking management plan or shared parking agreement is secured and approved by the Director of Development Services Department in his or her sole discretion and executed by the applicant. In the event of failure of the parking shuttle to operate during occasional Special Events, the applicant will immediately suspend any activities with more than 204 people in attendance (including Shabbat services and occasional special events) at the facility until shuttle service is resumed and the resumed operation is approved by the Director of Development Services Department in his or her sole discretion and executed by the applicant.

8. The number of occasional Special Events for the first 12 months of operation shall be limited to six. The number may be increased after the first year to a *maximum of nine* occasional special events per year with the approval of the Director of Development Services Department in his sole discretion, where Code Enforcement will be in charge of supervising the number of these events.
9. During Shabbat services and occasional special events, signs shall be placed and maintained in front of the project clearly indicating available parking spaces at the off-site location(s).
10. During Shabbat services and occasional special events, signs shall be placed and maintained at the entrance of the off-site parking location(s) clearly indicating that parking spaces are available for Hillel.
11. No fewer than six temporary parking spaces shall be constructed in the vacated/abandoned portion of La Jolla Scenic Drive North right-of-way (as shown on Exhibit "A") for the use of the 8976 Cliffridge Avenue site (Phase I). These temporary parking spaces shall be removed and the area restored upon completion of the project at Site 653 (Phase II).
12. No fewer than 6 on-site parking spaces shall be maintained on 8976 Cliffridge Avenue in the event that the proposed project is not constructed on site 653 in the approximate locations shown on the approved Exhibit "A". Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Director of Development Services Department.
13. The gate to the subterranean garage shall be monitored by the Hillel's staff during all gatherings.
14. Prior to the issuance of the first building permit, the

applicant must submit a Transportation Demand and Parking Management (TDPM) Plan. The TDM Plan shall include the following.

- a. Provide staff at both Hillel facility and the off-site location to monitor parking for occasional special events.
- b. Publicize the availability of off-site parking and transportation prior to the occasional special events.
- c. Annual post-occupancy parking demand study shall be conducted by the applicant for Shabbat services and occasional special services for 3 years after the facility becomes operational, satisfactory to the City Engineer. If post occupancy study indicates need for additional off-site parking, then the applicant shall secure the additional needed parking spaces, satisfactory to the City of San Diego. If post occupancy study indicates that the project has no need for the required off-site parking spaces, then those spaces do not need to be provided. The parking demand study should also include an annual summary of the type and frequency of the events that take place at the student center facility. The parking demand study should also monitor the use of the on-street parking in the vicinity of the project and eliminate any adverse impact of the project on the on-street parking.
- d. The TDPM plan shall be adopted as a condition of the permit. The monitoring program shall be conducted by applicant and evaluated by the Director of Development Services Department at least nine times and no more than 12 times during the first year, and at least three times and no more than five times per year in subsequent years. The monitoring after the first year shall be conducted during times when school is in session and at least once during an occasional Special Event.
- e. Prior to the expiration of the term of the shared parking agreement, Hillel shall provide a renewed shared parking agreement for the off-site parking requirement to the Director of Development Services Department.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, Robert Marshall, Trustee/Owner, and Hillel of San Diego, a California non-profit Corporation, Permittee (Phase I) and Hillel of San Diego, a California non-profit Corporation, Owner and Permittee (Phase II), filed an application with the City of San Diego for a Site Development Permit [SDP] No. 527861 to allow for the development of a two-phased project to continue the use of existing single-family dwelling for religious offices and related purposes as a Phase I entitlement; and to develop a vacant triangular shaped, approximately 0.77-acre parcel on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way with a

12,100 square-foot religious student center with a lower level garage of 17,000 square feet of area as a Phase II entitlement. Phase I involves the continued use of a 1,792 square-foot single-family residence and garage/storage structure at 8976 Cliffridge Avenue for religious offices and related use until such time as the proposed Phase II is developed and approved for occupancy. Phase II involves the development of a two-level religious student center consisting of an upper level main floor use area of 12,100 square-feet and a lower subterranean garage of 17,000 square-feet for the parking of 68 vehicles, trash enclosures and elevators. Both are located in the SF Zone of La Jolla Shores Planned District within the La Jolla Community Plan, Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, and Council District 1. Phase I is legally described as Lot 67 of La Jolla Highlands Unit No. 3 in the City of San Diego, County of San Diego, State of California, according to the map thereof No. 3528, filed in the Office of the County Recorder of San Diego County, October 19, 1956. Phase II is legally described as a portion of Lot 1299, Miscellaneous Map 36, Pueblo Lands. Both sites are within Township 15

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South, Range 4 West, San Bernardino Base Meridian, in the La Jolla Community Plan area, in the Single Family (SF) Zone of the La Jolla Planned District; and

WHEREAS, on November 6, 2008, the Planning Commission of the City of San Diego considered Site Development Permit No. 527861, and pursuant to Resolution No. 4475-PC voted to recommend denial of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to SDP No. 527861:

SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE SECTION 126.0504

(A) Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The project proposes the development of a two-phased project to continue the use of an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement; and to develop a vacant triangular shaped parcel on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way with a 12,100 square-foot religious student center with a lower level garage of 17,000 square-feet of area as a Phase II entitlement. The City Council has required the retention of 10,000 square-feet of landscaping as a public amenity and a bike/pedestrian path required by City staff will separate the new religious student center from the adjacent single-family residence.

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The project site consists of a total area of approximately 42,684 square feet which includes a single family home used for religious purposes located at 8976 Cliffridge Avenue (8,358 square feet existing; 9,166 square feet after the public right-of-way vacation), and the existing adjacent vacant site (15,350 square feet existing; 33,518 square feet after the public right-of-way vacation) which is bound on the north by La Jolla Village Drive, on the east by La Jolla Scenic Way and on the south by La Jolla Scenic Drive North. The project site is located in the Single Family Zone of the La Jolla Shores Planned District within the La Jolla Community Planning Area, Coastal Height Limit Overlay Zone, and the Campus Parking Impact Overlay Zone. The project site is not within the Coastal Overlay Zone. The Single Family Zone of the La Jolla Shores Planned District permits use for churches, temples and buildings of a religious nature.

The subject properties are designated as Low Density Residential (5-9 du/ac) in the La Jolla Community Plan. Religious uses are commonly found to fit within residential areas without adversely affecting the Land Use Plan. Additionally, the proposed use is permitted by the La Jolla Shores Planned District Ordinance which was adopted specifically to implement the Land Use Plan. The Hillel center is located directly across the street from the University of California and on the northern edge of the adjacent residential neighborhood, making it an appropriate location for the student-related activity.

The proposed development incorporates a number of specific design features which will allow the religious student center to achieve compatibility with the existing residential development in the vicinity. The center utilizes variations in height, textures, and rooflines in order to create the appearance of a series of smaller, individual structures. In addition, lower portions of the structure are concealed behind landscaped berms which will reduce the overall scale of the structure as viewed from the adjacent residential neighborhood. Torrey Pine trees are proposed as both street trees and in informal groupings around the periphery of the project, and will further screen and soften the structure at maturity. Parking for the facility is located within a subterranean garage and meets the San Diego Municipal Code requirement of 68 vehicle parking spaces. The garage is also equipped with a loading area, trash and recycling area, and a service elevator, so that any noise and visual impacts associated with these activities will be screened from surrounding residents.

In order to further minimize impacts to the adjacent residential neighborhood, staff has proposed specific conditions limiting the hours of operation for the center and the frequency of large events. The center will be permitted to be open from 7:00 AM to 10:00 PM daily, while all post-event cleanup and securing of the center must conclude by 11:00 PM. The number of occasional special events for the first twelve months of operation shall be limited to six. The number may be increased after the first year to a maximum of nine occasional special events per year with the approval of the Development Services Department Director, in his or her sole discretion, where Neighborhood Code Compliance will be in charge of documenting the number of these events.

The project also implements policies of the La Jolla Community Plan which recommend enhanced pedestrian-orientation. Non-contiguous sidewalks are located along the La Jolla Village Drive and La Jolla Scenic Drive North frontages, with Torrey Pine trees and other landscaping planted between the curb and sidewalk. While screening the project from the adjacent residential neighborhood, this configuration would also buffer pedestrians from

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automobile traffic to create an environment conducive to walking and transit use. As such, students would be encouraged to use transit or walk from the University of California at San Diego (UCSD) campus to the religious student center, reducing automobile traffic and demand for parking at the center.

The project is consistent with the policies contained in the La Jolla Community Plan to build out residential areas with development that is consistent with the surrounding area's residential character. The project is designed to blend with the scale and character of the surrounding residential uses with, similar setbacks, residential massing, warm materials, landscape berms and native vegetation. The building maintains a single story scale with a combination of flat and sloping roofs to provide articulation. At a proposed maximum height of 22 feet, the project is well under the 30-foot height limit of the zone.

By incorporating the cited design features and the conditions regarding operation of the center, the project implements the policies of the La Jolla Community Plan and will not adversely affect the applicable land use plans.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The project proposes the development of a two-phased project to continue the use of an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement; and to develop a vacant triangular shaped parcel on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way with a 12,100 square-foot religious student center with a lower level garage of 17,000 square-feet of area as a Phase II entitlement. The City Council has required the retention of 10,000 square-feet of landscaping as a public amenity and a bike/pedestrian path required by City staff will separate the new religious student center from the adjacent single-family residence.

The project site consists of a total area of approximately 42,684 square feet which includes a single family home used for religious purposes located at 8976 Cliffridge Avenue (8,358 square feet existing; 9,166 square feet after the public right-of-way vacation), and the existing adjacent vacant site (15,350 square feet existing; 33,518 square feet after the public right-of-way vacation) which is bound on the north by La Jolla Village Drive, on the east by La Jolla Scenic Way and on the south by La Jolla Scenic Drive North. The project site is located in the Single Family Zone of the La Jolla Shores Planned District within the La Jolla Community Planning Area, Coastal Height Limit Overlay Zone, and the Campus Parking Impact Overlay Zone. The project site is not within the Coastal Overlay Zone. The Single Family Zone of the La Jolla Shores Planned District permits use for churches, temples and buildings of a religious nature.

The City of San Diego conducted an Initial Study, which determined that the proposed project construction could potentially result in significant but mitigable impacts in the areas of Paleontological Resources and Parking. Mitigated Negative Declaration Number 149437 was prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program would be implemented which would reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for Paleontological Resources and Parking.

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The proposed religious use is permitted in the La Jolla Shores Planned District Single-Family zone and would provide valuable services to UCSD students, the community of La Jolla and the City and County of San Diego. As designed, both phases of the development are compatible in character and scale with surrounding residential uses. In addition, Phase II will transform what is now a vacant, remnant parcel into a park-like amenity at a prominent gateway into the La Jolla community. The project is consistent with the applicable land use plans, complies with the regulations of the California Building Code and would benefit the UCSD and La Jolla communities. The project proposes to deviate from the regulations governing minimum width of a non-residential driveway. Staff supports the requested deviations as they are minor in nature, in some cases temporary, and reduce the impacts to existing on-street parking. Other than the requested deviations to driveway widths, the project is in conformance to the San Diego Municipal Code. For those reasons, the project would not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The project proposes the development of a two-phased project to continue the use of an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement; and to develop a vacant triangular shaped parcel on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way with a 12,100 square-foot religious student center with a lower level garage of 17,000 square-feet of area as a Phase II entitlement.

The use of the single-family home for religious purposes is proposed to continue until such time that the entitlements for Phase II are approved, and the 12,100 square-foot religious student center is constructed and approved for occupancy. Should Phase II be approved, the religious uses taking place in the single-family home would move into the new 12,100 square-foot facility, and the single-family home would return to a residential use. The existing single-family residence was constructed according to all codes and regulations in effect at the time of construction. Upon entitlement approval, building permits would be processed which would bring the existing single-family home into compliance with California Building Code requirements for the change of occupancy, including an increase in off-site parking.

As allowed through the approval of a Site Development Permit, the applicant is requesting to deviate from the regulations governing minimum width of non-residential driveways. Staff supports the requested deviations as they are minor in nature, in some cases temporary, and reduce the impacts to existing on-street parking.

Other than the proposed deviations described the proposed development would comply with the applicable regulations of the San Diego Municipal Code and be consistent with the recommended land-use, design guidelines, and development standards in effect for this site. The project has been reviewed in accordance with all applicable development regulations and the La Jolla Community Plan and Local Coastal Program, the City's General Plan, and the California Environmental Quality Act, and the permit has been conditioned to meet those requirements. Staff has determined the project complies with the applicable development regulations and would be consistent with the purpose and intent of the underlying zone. Staff believes the religious student center project is well designed and would be an asset to the neighborhood.

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Therefore, proposed development will comply with the applicable regulations of the Land Development Code:

(m) Supplemental Findings—Deviations for Sustainable Development

1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants. The project proposes the development of a two-phased project to continue the use of an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement; and to develop a vacant triangular shaped parcel on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way with a 12,100 square-foot religious student center with a lower level garage of 17,000 square-feet of area as a Phase II entitlement.

The applicant is requesting to deviate from the regulations governing minimum width of non-residential driveways. Staff supports the requested deviations as they are minor in nature, in some cases temporary, and reduce the impacts to existing on-street parking.

The San Diego Municipal Code (SDMC) allows flexibility in the application of development regulations (deviations) for sustainable developments where strict application of the base zone development regulations would restrict design options and result in a less desirable project, through the processing of a Site Development Permit. The purpose of these regulations is to provide flexibility in the application of development regulations for projects which will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants.

The proposed development will materially assist in accomplishing the goal of reducing impacts associated with fossil fuel energy use and meet the requirements of City of San Diego Council Policy 900-14 through the installation of roof mounted photovoltaic panels and a fuel cell to provide 30% of the project's energy use through alternative means.

In addition the project's design proposes to incorporate the U. S. Green Building Council's Leadership in Energy and Environmental Design (LEED) silver design standards for sustainable design.

Therefore, the proposed development will materially assist in accomplishing the goal of reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources.

2. The development will not be inconsistent with the purpose of the underlying zone. The project proposes the development of a two-phased project to continue the use of an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement; and to develop a vacant triangular shaped parcel on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way with a 12,100 square-foot

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religious student center with a lower level garage of 17,000 square-feet of area as a Phase II entitlement.

The project site is located in the Single Family Zone of the La Jolla Shores Planned District within the La Jolla Community Planning Area, Coastal Height Limit Overlay Zone, and the Campus Parking Impact Overlay Zone, and is designated for residential use in the La Jolla Community Plan. The La Jolla Shores Planned District Ordinance permits churches, temples or buildings of a permanent nature, used primarily for religious purposes in the SF zone. The use of the single-family home for religious purposes is proposed to continue until such time that the entitlements for Phase II are approved, and the 12,100 square-foot religious student center is constructed and approved for occupancy. Should Phase II be approved, the religious uses taking place in the single-family home would move into the new 12,100 square-foot facility, and the single-family home would return to a residential use. Should Phase II not be approved, the single-family home would remain as a religious use indefinitely, as allowed by the La Jolla Shores Planned District Ordinance.

The proposed development incorporates a number of specific design features which will allow the religious student center to achieve compatibility with the existing residential development in the vicinity. The center utilizes variations in height, textures, and rooflines in order to create the appearance of a series of smaller, individual structures. In addition, lower portions of the structure are concealed behind landscaped berms which will reduce the overall scale of the structure as viewed from the adjacent residential neighborhood. Torrey Pine trees are proposed as both street trees and in informal groupings around the periphery of the project, and will further screen and soften the structure at maturity. Parking for the facility is located within a subterranean garage and meets the San Diego Municipal Code requirement of 68 vehicle parking spaces. The garage is also equipped with a loading area, trash and recycling area, and a service elevator, so that any noise and visual impacts associated with these activities will be screened from surrounding residents.

In order to further minimize impacts to the adjacent residential neighborhood, staff has proposed specific conditions limiting the hours of operation for the center and the frequency of large events. The center will be permitted to be open from 7:00 AM to 10:00 PM daily, while all post-event cleanup and securing of the center must conclude by 11:00 PM. The number of occasional special events for the first twelve months of operation shall be limited to six. The number may be increased after the first year to a maximum of nine occasional special events per year with the approval of the Development Services Department Director, in his or her sole discretion, where Neighborhood Code Compliance will be in charge of documenting the number of these events.

The project also implements policies of the La Jolla Community Plan which recommend enhanced pedestrian-orientation. Non-contiguous sidewalks are located along the La Jolla Village Drive and La Jolla Scenic Drive North frontages, with Torrey Pine trees and other landscaping planted between the curb and sidewalk. While screening the project from the adjacent residential neighborhood, this configuration would also buffer pedestrians from automobile traffic to create an environment conducive to walking and transit use. As such, students would be encouraged to use transit or walk from the UCSD campus to the religious student center, reducing automobile traffic and demand for parking at the center.

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The project is designed to blend with the scale and character of the surrounding residential uses with, similar setbacks, residential massing, warm materials, landscape berms and native vegetation. The building maintains a single story scale with a combination of flat and sloping roofs to provide articulation and meets coverage requirements. At a proposed maximum height of 22 feet, the project is well under the 30-foot height limit of the zone. Therefore, the proposed development will not be inconsistent with the purpose of the underlying zone.

3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The project proposes the development of a two-phased project to continue the use of an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement; and to develop a triangular shaped parcel on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way with a 12,100 square-foot with a lower level garage of 17,000 square-feet of area as a Phase II entitlement.

The deviations requested within the proposed project affect temporary improvements in Phase I of the project and permanent improvements within Phase II. The first Phase I deviation is a request to deviate from San Diego Municipal Code regulations governing minimum width of a non-residential driveway. This would be a temporary deviation from the driveway width requirements, whereas, the applicant is proposing a 12-foot curb cut to access 8976 Cliffridge Avenue where the San Diego Municipal Code requires 24 feet for a non-residential use. This deviation assumes approval of Phase II and the public right-of-way vacation request. When Phase II is constructed, the religious offices and related use at 8976 Cliffridge Avenue would move into the new 12,100 square-foot facility (Phase II) and the single-family home would revert back to its original use, which only requires a 12-foot curb cut as a residential use.

The second deviation for Phase I is also a request to deviate from San Diego Municipal Code regulations governing minimum width of a non-residential driveway. However, this would be permanent deviation from the driveway width requirements, whereas, the applicant is proposing a 20-foot curb cut to access 8976 Cliffridge Avenue where the San Diego Municipal Code requires 24 feet for a non-residential use. This deviation assumes denial of Phase II and the Public Right-of-Way Vacation request, and the permanent use of the single family home at 8976 Cliffridge Avenue as a non-residential use. The deviation would be necessary to allow the single-family house at 8976 Cliffridge Avenue to have access to the street for the 6 required parking spaces. The deviation is required to preserve an existing mature tree and to allow code required depth of parking spaces. In addition, the deviation allows for the preservation of on street parking as well as maintaining visual consistency with adjacent single family development.

The deviation for Phase II is also a request to deviate from San Diego Municipal Code regulations governing minimum width of a non-residential driveway, whereas, the applicant is proposing a 22-foot curb cut to access the underground parking garage as a part of Phase II where the San Diego Municipal Code requires 24 feet for a non-residential use. The deviation is necessary to allow for shared emergency egress, a turnaround (if denied access to the garage) from the garage and for required number of parking spaces to be provided. This minimizes the building's encroachment on the site, keeps the driveway as far away from adjacent intersections as possible, and minimizes the loss of on-street parking.

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The proposed deviations assist in preserving the single-family nature of the surrounding development rather than emphasizing vehicular access which would increase the amount of impervious surfaces in the area and produce the potential for greater storm water runoff. Therefore, the proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Site Development Permit No. 527861 is granted to ROBERT MARSHALL, Trustee, Owner, and HILLEL OF SAN DIEGO, a California nonprofit Corporation, Permittee (Phase I) and HILLEL OF SAN DIEGO, a California nonprofit Corporation, Owner and Permittee (Phase II), under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:als
11/17/08
Or.Dept:DSD
R-2009-660
MMS#7044

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 43-0276

SITE DEVELOPMENT PERMIT NO. 527861
HILLEL OF SAN DIEGO STUDENT CENTER
PROJECT NO. 149437 - MMRP
CITY COUNCIL

This Site Development Permit, No. 527861 is granted by the City Council of the City of San Diego to ROBERT MARSHALL, Trustee, Owner, and HILLEL OF SAN DIEGO, a California nonprofit Corporation, Permittee (Phase I) and HILLEL OF SAN DIEGO, a California nonprofit Corporation, Owner and Permittee (Phase II), pursuant to San Diego Municipal Code [SDMC] Section 126.0504. The 9,166 square-foot Phase I site (after proposed dedications and vacations) is located at 8976 Cliffridge Avenue. The 33,518 square-foot (0.77-acre) Phase II site (after proposed dedications and vacations) is located within the triangular area bounded by La Jolla Village Drive, La Jolla Scenic Way, and La Jolla Scenic Drive North. Both sites are located in the Single Family (SF) Zone of La Jolla Shores Planned District, Coastal Height Limit Overlay Zone, Campus Parking Impact Overlay Zone, and within the La Jolla Community Plan.

The project site is legally described as: Phase I: Lot 67 of La Jolla Highlands, Unit No. 3, in the City of San Diego, County of San Diego, State of California, according to the map thereof, No. 3528, filed in the office of the County Recorder of San Diego County. Phase II: A Portion of Lot 1299, Pueblo Lands, Miscellaneous Map No. 36.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners and Permittee to continue to use an existing single-family dwelling for religious offices and related purposes as a Phase I entitlement and to develop a triangular shaped parcel with a 12,100 square-foot religious student center with a lower level garage of 17,000 square-feet of area as a Phase II entitlement, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"], dated _____, 2008, on file in the Development Services Department.

The project shall include:

- a. Phase I: Continued use of a 1,792 square-foot single-family residence and garage/storage structure at 8976 Cliffridge Avenue for religious offices and related use until such time as the proposed Phase II is developed and approved for occupancy;
- b. Phase II: The development of a two-level religious student center consisting of an upper level main floor use area of 12,100 square-feet and a lower subterranean garage of 17,000 square-feet for the parking of 68 vehicles, trash enclosures and elevators;
- c. Deviations:
 - 1). Phase I, Alternative 1. A deviation from San Diego Municipal Code (SDMC) Section 142.0560 (j)(1) for minimum width of a non-residential driveway. This would be a temporary deviation from the driveway width requirements, whereas, the applicant is proposing a 12-foot curb cut to access the single-family home at 8976 Cliffridge Avenue where the San Diego Municipal Code requires 24 feet for a non-residential use. This deviation assumes approval of Phase II and the public right-of-way vacation request. When Phase II is constructed, the religious offices and related use at 8976 Cliffridge Avenue will move into the new 12,100 square-foot facility (Phase II) and the single-family home would revert back to its original use, which only requires a 12-foot curb cut as a residential use.
 - 2). Phase I, Alternative 2. A deviation from San Diego Municipal Code (SDMC) Section 142.0560 (j)(1) for minimum width of a non-residential driveway. This would be a permanent deviation from the driveway width requirements, whereas, the applicant is proposing a 20-foot curb cut to access 8976 Cliffridge Avenue where the San Diego Municipal Code requires 24 feet for a non-residential use. This deviation assumes denial of Phase II and the Public Right-of-Way Vacation request, and the permanent use of the single-family home at 8976 Cliffridge Avenue as a non-residential use.
 - 3). Phase II. A deviation from San Diego Municipal Code (SDMC) Section 142.0560 (j)(1) for minimum width of a non-residential driveway. Deviation from the driveway width requirements, whereas, the applicant is proposing a 22-foot curb cut to access Phase II where the San Diego Municipal Code requires 24 feet for a non-residential use.
- d. Landscaping (planting, irrigation and landscape related improvements) with existing landscaping at the residence at 8976 Cliffridge Avenue to be

maintained; the 12,100 square-foot religious student center to be landscaped and maintained in accordance with the approved Exhibit 'A' Landscape Plan subject to the conditions contained herein; and the required public benefit 10,000 square-foot landscaped area between the Phase I and II sites;

- e. Off-street parking facilities to be maintained on both the Phase I and II sites as conditioned herein, and the requirement for off-site parking required for the use and events associated with Phase II;
- f. Fencing, walls, decorative site features and signage;
- g. Installation of a bike path linking La Jolla Scenic Drive North with Torrey Pines Road;
- h. A roof-mounted photovoltaic system consisting of solar panels, in addition to the installation of a fuel cell, sufficient to generate at least 30 percent of the proposed project's projected energy consumption, as established by Council Policy 900-14; and
- i. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.

3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This portion of the Permit covering Phase II is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. Should Phase II not be approved, the portion of the Permit covering Phase I would be a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de

novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

12. This Permit may be developed in phases. As described above, Phase I would consist of the continued use of a 1,792 square-foot single-family residence and garage/storage structure at 8976 Cliffridge Avenue for religious offices and related use until such time as the proposed Phase II is developed and approved for occupancy; and Phase II would consist of the development of a two-level religious student center consisting of an upper level main floor use area of 12,100 square-feet and a lower subterranean garage of 17,000 square-feet for the parking of 68 vehicles, trash enclosures and elevators.

13. The Phase I continued use of the single family house at 8976 Cliffridge Avenue for religious purposes shall continue, subject to the applicable conditions of this permit, until Phase II is completed and ready for occupancy. As Phase II is utilized for Hillel purposes, Phase I shall terminate and the owner of the residence will convert the use of the site back to single-family residential use. Should the owner desire to utilize the residence and property for some other use permitted by the SF zone of the La Jolla Shores Planned District, the owner shall apply for a separate Site Development Permit.

14. Should Phase II of the project not be approved, use of the residentially constructed house at 8976 Cliffridge Avenue for religious purposes (Phase I) shall continue as a permanent use.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

15. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

16. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 149437, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

17. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 149437, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Paleontological Resources
Parking

18. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

19. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

20. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of sidewalk on La Jolla Village Drive, La Jolla Scenic Way and La Jolla Scenic Drive North along the property frontage, new curb, gutter and sidewalk along the vacated area at Cliffridge Avenue and La Jolla Scenic Drive North, a pedestrian ramp at La Jolla Village Drive and La Jolla Scenic Way and a 22-foot driveway on La Jolla Scenic Way, all satisfactory to the City Engineer.

21. Prior to the issuance of any building permits, the applicant shall vacate a portion of La Jolla Scenic Drive North, reserving easements for water, sewer and drain pipes, satisfactory to the City Engineer.

22. Prior to the issuance of any construction permits, the applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's)

on the final construction drawings, consistent with the approved Water Quality Technical Report.

23. Prior to the issuance of any construction permits, the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

24. Prior to the issuance of any building permits, the applicant shall process a lot consolidation parcel map, including the dedication on La Jolla Village Drive, reservations of easements, and a lot line adjustment, all satisfactory to the City Engineer.

25. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Maintenance and Removal Agreement, from the City Engineer, for sidewalk underdrains (in La Jolla Village Drive and La Jolla Scenic Drive North) and a connection to the City drain system.

26. The drainage system proposed for this development is private and subject to approval by the City Engineer.

MAPPING REQUIREMENTS:

27. Prior to the issuance of any building permits, the applicant shall process a Lot Line Adjustment/Lot Consolidation Parcel Map, including the dedication of La Jolla Village Drive, and the granting or reservation of easements, all satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

28. Prior to issuance of construction permits for grading, the Permittee or Subsequent Owner shall submit landscape construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual, Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.

29. Prior to issuance of construction permits for public right-of-way improvements, the Permittee or Subsequent Owner shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take into account a 40 square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

30. In the event that a foundation only permit is requested by the Permittee or Subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly

identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

31. Prior to issuance of any construction permits for buildings; the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.
32. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or Subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
33. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
34. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
35. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to issuance of a Certificate of Occupancy.
36. Prior to issuance of construction permits for grading; the Permittee or Subsequent Owner shall ensure that all proposed landscaping, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory and the prohibited plant species list found in "Table 1" of the Landscape Standards shall not be permitted.

PLANNING/DESIGN REQUIREMENTS:

37. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

38. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels, in addition to the installation of a fuel cell, sufficient to generate at least 30 percent of the proposed project's projected energy consumption, as established by Council Policy 900-14.
39. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or the La Jolla Shores Planned District sign regulations.
40. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC. Outdoor lighting will be limited to low-voltage lighting for safety and way-finding when the facility is unoccupied.
41. Hillel hours of operation shall be limited to 7:00 AM to 10:00 PM daily allowing for clean up and closing of the facility until 11:00 PM. Hillel may observe Jewish holidays, customs, and ritual practices for High Holiday, Shavuot, Purim, Passover, and other Jewish special observances provided that the above hours of operation are observed and that occasional special events comply with condition 48 of this permit.
42. Weekend hours shall be limited to Saturday from 8:00 AM to 10:00 PM and Sunday from 10:00 AM to 6:00 PM unless there is a Jewish Holiday or other occasional special event, where the typical hours of operation described in condition No. 41 of this permit would be allowed.
43. The building capacity shall be capped at 204 people, and 400 for "occasional special events." An "occasional special event" is any event attended by more than 204 people.
44. There shall be no deliveries or trash pick-up before 8:00 AM on any day.
45. The applicant shall pay for the undergrounding of the two utility lines that are located onsite, and the undergrounding project shall be completed before the issuance of the occupancy permit.
46. The applicant shall add a drinking fountain, trash receptacle, and one three-seat bench that Hillel will maintain. The applicant will maintain a recycling program in its facility.
47. The applicant agrees not to oppose the formation of a maintenance assessment district.
48. The courtyard will not be used for outside gatherings of more than ten (10) people, except for Sukkot and similar religious rituals. This would not preclude visitors from going out on the patio or using the patio during gatherings within the center.
49. No alcohol will be allowed, except for religious rituals.

50. Smoking will not be allowed on the site.
51. Air-conditioning units will be acoustically abated.
52. Outside amplified noise is prohibited.
53. A three-foot glass wall will be added to the patio wall at the northeast corner of the property.
54. Overnight events are prohibited.
55. Use or rental to outside groups for commercial purposes is prohibited.
56. Hillel will advise visitors to the Center of Friday night Shabbat and during occasional special events not to park in the neighborhood and that individuals that fail to comply with this policy will be asked to move their car or to leave the Hillel Center.
57. The applicant agrees to participate in a Neighborhood Advisory Committee consisting of one representative of the University of California at San Diego; two representatives appointed by the La Jolla Shores Association, two representatives appointed by Hillel; one neighborhood resident appointed by the City Council Representative for Council District One, and one neighborhood resident appointed by the Mayor. The Committee shall be formed within thirty (30) days of the issuance of building permits, while working on construction issues as well, and shall work to facilitate appropriate interchange and beneficial collaboration between the applicant and the surrounding community, resolve disputes if possible, and advise the Development Services Department Director and the Mayor of any disputes that are not resolved.
58. The applicant will agree to defend and indemnify the City of San Diego against any actions related to the legality of the sale or lease of the site.

TRANSPORTATION REQUIREMENTS

59. The applicant shall maintain the shared parking agreement dated July 6, 2005 with the Regents of the University of San Diego for an additional sixty-seven (67) off-site parking spaces for Hillel's weekly Shabbat services. The 67 parking spaces shall be available from 1 hour prior to the event until 1 hour after each Shabbat service, to the satisfaction of the City Engineer.
60. The applicant shall maintain the shared parking agreement dated July 6, 2005 with the Regents of the University of San Diego for an additional seventy-five (75) off-site parking spaces for Hillel's occasional special events, with such parking spaces available from 1 hour prior to the event until 1 hour after each event, to the satisfaction of the City Engineer.
61. The applicant shall provide a shuttle service between the off-site parking location(s) and the Hillel facility for both weekly Friday Shabbat services and the occasional special

events to the satisfaction of the City Engineer. If the off-site location is within 600-feet of the Hillel site, no shuttle service will be required.

62. The applicant shall provide a minimum of sixty-eight (68) on-site, underground parking spaces. The applicant shall not prohibit any of its staff, visitors, or persons participating in its on-site activities from parking in the garage. The applicant acknowledges that any such closure is grounds for the immediate suspension of all operations by the Development Services Department Director, in his or her sole discretion.

63. In the event of a cancellation of a shared parking agreement, the applicant will immediately suspend any activities with more than 204 people in attendance, which would effectively bring the cap down to what sixty-eight (68) spaces would support, including Shabbat services and occasional special events (which are limited to six times a year for the first year and up to nine times a year thereafter with the approval of the Development Services Department Director) at the facility, until an equivalent parking management plan or shared parking agreement is secured and approved by the Development Services Department Director, in his or her sole discretion and executed by the applicant. In the event of failure of the parking shuttle to operate during any Shabbat services, the applicant will immediately suspend any activities with more than 204 people in attendance at the facility until the shuttle services have been resumed and the resumed operation is approved by the Development Services Department Director, in his or her sole discretion, and executed by the applicant. At any time after the first year of operation of the facility, the Development Services Department Director may, in his or her sole discretion, require that this Shabbat services off-site parking requirement and shuttle requirement be continued or discontinued. This would take sixty-seven (67) parking spaces, in addition to sixty-eight (68) on-site spaces that would be the parking requirement. If for any reason the off-street parking is not satisfied or the shuttle is not available, the occupancy of the facility shall be limited to 204 people, which is what the sixty-eight (68) on-site parking spaces would support.

64. The number of occasional special events for the first twelve months of operation shall be limited to six. The number may be increased after the first year to a maximum of nine occasional special events per year with the approval of the Development Services Department Director, in his or her sole discretion, where Neighborhood Code Compliance will be in charge of documenting the number of these events.

65. The applicant shall provide signs to be placed and maintained in front of the project clearly indicating available parking spaces at the off-site location(s) during Shabbat services and occasional special events, to the satisfaction of the City Engineer.

66. The applicant shall provide signs to be placed and maintained at the entrance of the off-site parking location(s) clearly indicating the available parking spaces at the off-site location(s) during Shabbat services and special events, to the satisfaction of the City Engineer.

67. No fewer than six (6) temporary parking spaces shall be constructed in the vacated/abandoned portion of La Jolla Scenic Drive North right-of-way (as shown on Exhibit "A") for the use of the 8976 Cliffridge Avenue site (Phase I) and these temporary parking spaces shall be removed and the area restored upon the completion of the project at vacant portion of the site, formerly known as Site 653 (Phase II), to the satisfaction of the City Engineer.

68. No fewer than 6 on-site parking spaces shall be maintained on 8976 Cliffridge Avenue (Phase I) in the event that the Hillel project is not constructed on Site 653 (Phase II) in the approximate locations shown on the approved Exhibit "A," on the file in the Development Services Department and such parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Engineer, to the satisfaction of the City Engineer.

69. No landscape and/or hardscape more than 30-inches in height shall be placed in the visibility triangle as shown on Exhibit "A."

70. Prior to the issuance of the first building permit, applicant shall deposit \$20,000 into a dedicated fund for the express purpose of the Development Services Department enforcement and monitoring of the permit conditions, with the proviso that if the \$20,000 is used for enforcement and drops below \$10,000, it will be replenished back to \$20,000. The fund shall be interest bearing with interest, minus administrative fees, accruing to the Permittee. Two years thereafter, a deposit of \$10,000 per year plus Consumer Price Index may be required at the sole discretion of the Development Services Director in subsequent years. Any portion of this deposit that is unused will be returned to the applicant.

71. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, construction of new pedestrian curb ramps at the intersections of La Jolla Village Drive / La Jolla Scenic Way and Torrey Pines Road / La Jolla Village Drive, satisfactory to the City Engineer.

72. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, reconstruction of La Jolla Scenic Drive North along its frontage between La Jolla Scenic Way and Cliffridge Avenue to provide 34 feet of pavement, curb, and gutter (curb to curb dimension) with an additional 12 feet curb to property line distance that includes the sidewalk for the north portion of La Jolla Scenic Drive North, satisfactory to the City Engineer.

73. The applicant shall install a pedestrian ramp on the west side of the intersection of La Jolla Scenic Drive North and Cliffridge Avenue prior to the issuance of the first building permit, to the satisfaction of the City Engineer.

74. Prior to the issuance of the first building permit, applicant shall assure by permit and bond installation of double yellow center line along the curve on Cliffridge Avenue and La Jolla Scenic Drive North, satisfactory to the City Engineer.

75. Prior to the issuance of the first building permit, applicant shall dedicate approximately 5-feet along project frontage on La Jolla Village Drive (as shown on Exhibit "A") and shall assure by permit and bond, reconstruction of curb, gutter, contiguous and non-contiguous sidewalk, with a 22-foot curb-to- property line distance, satisfactory to the City Engineer.
76. Prior to the issuance of the first building permit, applicant shall assure by permit and bond construction of a 10-foot wide pedestrian/bicycle path between La Jolla Scenic Drive North and Torrey Pines Road, satisfactory to the City Engineer.
77. The gate to the subterranean garage shall be monitored by Hillel's staff during all gatherings and the parking lot attendant shall be present to utilize the parking lifts, to the satisfaction of the City Engineer.
78. The applicant shall provide an on-site parking attendant to oversee the use of the lift parking spaces when the project has visitors expected above the non-lift space spaces required and during these higher demand times, visitors are expected to leave automobile keys to allow for vehicle movement as necessary to utilize the lift equipment within the parking lot, to the satisfaction of the City Engineer.
79. No fewer than 68 on-site parking spaces shall be maintained on the (Phase II) project site in the approximate locations shown on the approved Exhibit "A," on the file in the Development Services Department and such parking spaces shall comply at all times with the SDMC including 28 lift spaces and 3 accessible spaces and shall not be converted for any other use unless otherwise authorized by the City Engineer, to the satisfaction of the City Engineer.
80. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act (ADA) requirements and in accordance with standards contained in the City of San Diego Street Design Manual.
81. The gate to the subterranean garage shall be monitored by Hillel's staff during all occasional special events.
82. A Transportation Demand and Parking Management (TDPM) Plan has been submitted for the project and includes the following:
- a) Provides staff at both Hillel facility and the off-site location to monitor parking for occasional special events.
 - b) Publicizes the availability of off-site parking and transportation prior to the occasional special events.
 - c) Annual post-occupancy parking demand study shall be conducted by Hillel for Shabbat services and occasional special services for 3 years after the facility becomes operational, satisfactory to the City Engineer. If post occupancy study

indicates need for additional off-site parking, then Hillel shall secure the additional needed parking spaces, satisfactory to the Development Services Director. If post occupancy study indicates that Hillel has no need for the required off-site parking spaces, then those spaces do not need to be provided. The parking demand study should also include an annual summary of the type and frequency of the events that take place at Hillel's facility. The parking demand study should also monitor the use of the on-street parking in the vicinity of the project and eliminate any adverse impact of the project on the on-street parking.

83. The TDPM plan shall be adopted as a condition of this permit and the requirements of the TDPM plan become requirements of this permit. The monitoring program shall be conducted by the applicant and evaluated by the Development Services Director, or his or her designee, at least nine (9) times and no more than 12 times during the first year, and at least three (3) times and no more than five (5) times per year in subsequent years. The monitoring after the first year shall be conducted during times when school is in session and at least once during an occasional special event.

84. Prior to the expiration of the term of the shared parking agreement, Hillel shall provide a renewed shared parking agreement for the off-site parking requirement to the City of San Diego. If after the initial three-year Post Occupancy Evaluation (POE) period, Hillel finds that they no longer require the off-site parking, Hillel must submit a POE to the Development Services Director prior to rescinding the off-site parking agreement(s) per the TDPM plan.

85. The applicant shall notify the La Jolla Shores Association whenever the Traffic and Transportation Committee of the La Jolla Community Planning Association considers issues related to the TDPM plan.

WATER REQUIREMENTS:

86. Prior to the issuance of the first foundation, building or grading permit, the Owner/Permittee shall cut, plug and abandon the existing public 12-inch water facilities within the La Jolla Scenic Drive North right-of-way to be vacated, from La Jolla Scenic Way to Torrey Pines Road, in a manner satisfactory to the Water Department Director and the City Engineer.

87. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of public 16-inch water facilities and the cut, plug and abandonment of the existing public 8-inch water facilities within the La Jolla Scenic Drive North right-of-way, from La Jolla Scenic Way to Torrey Pines Road, and connect to the 16-inch mains all existing water services still in service adjacent to the project, in a manner satisfactory to the Water Department Director and the City Engineer.

88. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s), including domestic, fire and irrigation, and the disconnection at the mains of all existing unused

water services adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

89. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permit(s) for the installation of private back flow prevention device(s) on all water services to the development, including all domestic, fire and irrigation services, in a manner satisfactory to the Water Department Director and the City Engineer. All backflow prevention devices shall be located above grade and outside of any private structures.

90. Prior to the first final inspection of any building permit for the Hillel of San Diego project, the Owner/Permittee shall install and/or replace fire hydrants at locations satisfactory to the Fire Marshal, the Water Department Director and the City Engineer.

91. Prior to the first final inspection of any building permit for the Hillel of San Diego project, the Owner/Permittee shall design and construct new public water facilities, into acceptable alignments and rights-of-way, in the event any public water facility in the vicinity of the project site loses integrity due to the construction and grading activities associated with this development, in a manner satisfactory to the Water Department Director and the City Engineer.

92. Prior to the first final inspection of any building permit for the Hillel of San Diego project, the Owner/Permittee shall grant acceptable water easements over all public water facilities located outside of fully improved public rights-of-way, in a manner satisfactory to the Water Department Director and the City Engineer. Minimum water easement width, for exclusive use of public water mains with no appurtenances, shall be 15-foot-wide.

93. Prior to the first final inspection of any building permit for the Hillel of San Diego project, all public water facilities necessary to serve this development shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

94. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities and easements, as shown on approved Exhibit "A," shall be modified at final engineering to comply with standards.

WASTEWATER REQUIREMENTS:

95. Prior to issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of the realignment of the existing 8" public sewer main at the intersection of La Jolla Scenic Drive North and Cliffridge Avenue, satisfactory to the Metropolitan Wastewater Department Director.

96. Prior to issuance of any building permits, the developer shall prepare appropriate public improvement plans for the construction of the realignment of the existing 8" sewer main at the intersection of La Jolla Scenic Drive North and Cliffridge Avenue, satisfactory to the Metropolitan Wastewater Director, and it shall be reviewed and approved by the Wastewater Plan Check Section.

97. Prior to the issuance of any certificate of occupancy, the developer shall have the construction of the realignment of the existing 8" sewer main at the intersection of La Jolla Scenic Drive North and Cliffridge Avenue completed per approved plans and satisfactory to the Wastewater Department Director and the City Engineer.

98. Prior to the issuance of any certificate of occupancy, the developer shall have the construction of the realignment of the existing 8" sewer main at the intersection of La Jolla Scenic Drive North and Cliffridge Avenue completed per approved plans and satisfactory to the Wastewater Department Director and the City Engineer.

99. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

100. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

101. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Plumbing Code and shall be reviewed as part of the building permit plan check.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on _____ by Resolution Number R-_____.

002962

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

ROBERT MARSHALL
Trustee/Owner

By _____

HILLEL OF SAN DIEGO, A California
Non-Profit Corporation (Phase I)
Permittee

By _____

HILLEL OF SAN DIEGO, A California
Non-Profit Corporation (Phase II)
Owner/Permittee

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

002963

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, California Streets and Highways Code section 8330 et seq. provides a procedure for the summary vacation of public street easements by City Council resolution where the easements are no longer required; and

WHEREAS, the affected property owner has requested the vacation of a portion of La Jolla Scenic Drive North (Project No. 149437, Approval No. 527860), to unencumber this property as approved by Site Development permit No. 527861; and

WHEREAS, the existing public utility facilities located within the easement to be vacated/abandoned have been _____ as shown on Engineering Drawing No. _____; and

WHEREAS, as a part of this action the property owner is relinquishing abutter's rights on the south side of La Jolla Village Drive, between Torrey Pines Road to La Jolla Scenic Way, and on a portion of the west side of La Jolla Scenic Way, between La Jolla Scenic Drive North and La Jolla Village Drive, as shown on Drawing No. No. 00116-C, marked as Exhibit "B;" and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

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WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego finds that:

- (a) there is no present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated; and
- (b) the public will benefit from the action through improved utilization of land made available by the vacation; and
- (c) the vacation does not adversely affect any applicable land use plan or; and
- (d) the public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation; as follows:

BE IT FURTHER RESOLVED, that the Council of the City of San Diego finds that:

1. That the public right-of-way easement located within La Jolla community Plan area in connection with Site Development Permit No. 527861, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 00116-C, marked as Exhibit "B," and on file in the office of the City Clerk as Document No. RR-_____, which is by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That said public right-of-way vacation is conditioned on the following, satisfactory to the City Engineer. In the event these conditions are not completed within three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

a. Prior to the recordation of the public right-of-way vacation, the Applicant shall cut, plug and abandon the existing public 12-inch water facilities within the La Jolla Scenic Drive North right-of-way to be vacated, in a manner satisfactory to the Water Department Director and the City Engineer.

b. Prior to the recordation of the public right-of-way vacation, the Applicant shall assure, by permit and bond, the design and construction of new public 16-inch water facilities and the cut, plug and abandonment of the existing public 8-inch water facilities within the La Jolla Scenic Drive North right-of-way and appropriate water easement, from La Jolla Scenic Way to Torrey Pines Road, in a manner satisfactory to the Water Department Director and the City Engineer.

c. Prior to the recordation of the public right-of-way vacation, the Applicant shall assure, by permit and bond, the installation/replacement of fire hydrants at locations and in a manner satisfactory to the Fire Marshal, the Water Department Director and the City Engineer.

d. Prior to the recordation of the public right-of-way vacation, Applicant shall assure, by permit and bond, the reconnection all existing water services still in use to the new 16-inch facilities adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

e. The Applicant shall retain an acceptable water easement over the 16-inch water facilities within the vacated La Jolla Scenic Drive North right-of-way, from Cliffridge Avenue to Torrey Pines Road, for exclusive use of public water mains with no appurtenances, in a manner satisfactory to the Water Department Director and the City Engineer. The minimum easement width shall be 15-feet-wide.

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f. The Applicant agrees to design and construct all required public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

g. Prior to the recordation of the public right-of-way vacation, Applicant shall assure, by permit and bond, the design and construction of the realignment of the existing 8" public sewer main at the intersection of La Jolla Scenic Drive North and Cliffridge Avenue, satisfactory to the Director of Public Utilities.

h. Prior to the recordation of the public right-of-way vacation the Applicant agrees to relocate all San Diego Gas and Electric Facilities into a general utilities easement to be reserved from the portion of La Jolla Scenic Drive North to be vacated.

i. Prior to the recordation of the public right-of-way vacation the Applicant agrees to relocate all Time-Warner Facilities into a general utilities easement to be reserved from the portion of La Jolla Scenic Drive North to be vacated.

j. A public access easement to the satisfaction of the City Engineer linking La Jolla Scenic Drive North and Torrey Pines Road shall be retained in perpetuity for public pedestrian and bicycle access. The area shall not be gated or otherwise obstructed to prevent free movement and public access. In addition, the project shall incorporate signage which identifies this area as public access to the satisfaction of the Development Services Director.

3. That the Development Services Department shall cause a certified copy of this resolution, with attached exhibits, to be recorded in the office of the County Recorder.

4. The City Engineer shall advise the City Clerk of the completion of the conditions listed in number 2 above. After completion of the conditions, the City Clerk shall cause a certified copy of this resolution, with attached legal description marked as Exhibit "A" and as

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shown on Drawing No. 00116-C, marked as Exhibit "B," attested by the City Engineer under
seal to be recorded in the Office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:als
11/17/08
Or.Dept:DSD
R-2009-661
MMS#7044

RESOLUTION NUMBER R-_____

ADOPTED ON _____

WHEREAS, California Streets and Highways Code section 8330 et seq. provides a procedure for the summary vacation of public street easements by City Council resolution where the easement is no longer required; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the affected property owner has requested the vacation of a portion of La Jolla Scenic Drive North (Project No. 149437, Approval No. 527860), to unencumber this property as approved by Site Development Permit No. 527861; and

WHEREAS, as a part of this action the property owner is relinquishing abutter's rights on the south side of La Jolla Village Drive, between Torrey Pines Road to La Jolla Scenic Way, and on a portion of the west side of La Jolla Scenic Way, between La Jolla Scenic Drive North and La Jolla Village Drive, as shown on Drawing No. No. 00116-C, marked as Exhibit "B;" and

WHEREAS, the City Council finds that:

(a) there is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired, or for any other public use of a like nature that can be anticipated;

(b) the public will benefit from the action through improved use of the land made available by the vacation;

(c) the vacation does not adversely affect any applicable land use plan or; and

(d) the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by this vacation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the public right-of-way easement located within the La Jolla Community Plan area in connection with Site Development Permit No. 527861, as more particularly described in the legal description marked as Exhibit "A" and as shown on Drawing No. 00116-C, marked as Exhibit "B", and on file in the office of the City Clerk as Document No. RR-_____-1 is ordered vacated.

2. That said public right-of-way vacation is conditioned on the following, satisfactory to the City Engineer. In the event these conditions are not completed within three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

a. Prior to the recordation of the public right-of-way vacation, the Applicant shall cut, plug and abandon the existing public 12-inch water facilities within the La Jolla Scenic Drive North right-of-way to be vacated, in a manner satisfactory to the Water Department Director and the City Engineer.

b. Prior to the recordation of the public right-of-way vacation, the Applicant shall assure, by permit and bond, the design and construction of new public 16-inch water facilities and the cut, plug and abandonment of the existing public 8-inch water facilities within the La Jolla Scenic Drive North right-of-way and appropriate water easement, from La Jolla Scenic Way to Torrey Pines Road, in a manner satisfactory to the Water Department Director and the City Engineer.

c. Prior to the recordation of the public right-of-way vacation, the Applicant shall assure, by permit and bond, the installation/replacement of fire hydrants at locations and in a manner satisfactory to the Fire Marshal, the Water Department Director and the City Engineer.

d. Prior to the recordation of the public right-of-way vacation, Applicant shall assure, by permit and bond, the reconnection all existing water services still in use to the new 16-inch facilities adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

e. The Applicant shall retain an acceptable water easement over the 16-inch water facilities within the vacated La Jolla Scenic Drive North right-of-way, from Cliffridge Avenue to Torrey Pines Road, for exclusive use of public water mains with no appurtenances, in a manner satisfactory to the Water Department Director and the City Engineer. The minimum easement width shall be 15-feet-wide.

f. The Applicant agrees to design and construct all required public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

g. Prior to the recordation of the public right-of-way vacation, Applicant shall assure, by permit and bond, the design and construction of the realignment of the existing 8" public sewer main at the intersection of La Jolla Scenic Drive North and Cliffridge Avenue, satisfactory to the Director of Public Utilities.

h. Prior to the recordation of the public right-of-way vacation the Applicant agrees to relocate all San Diego Gas and Electric Facilities into a general utilities easement to be reserved from the portion of La Jolla Scenic Drive North to be vacated.

i. Prior to the recordation of the public right-of-way vacation the Applicant agrees to relocate all Time-Warner Facilities into a general utilities easement to be reserved from the portion of La Jolla Scenic Drive North to be vacated.

j. A public access easement to the satisfaction of the City Engineer linking La Jolla Scenic Drive North and Torrey Pines Road shall be retained in perpetuity for public pedestrian and bicycle access. The area shall not be gated or otherwise obstructed to prevent free movement and public access. In addition, the project shall incorporate signage which identifies this area as public access to the satisfaction of the Development Services Director.

3. That the Development Services Department shall cause a certified copy of this resolution, with attached exhibits, to be recorded in the office of the County Recorder.

4. The City Engineer shall advise the City Clerk of the completion of the conditions listed in number 2 above. After completion of the conditions, the City Clerk shall cause a certified copy of this resolution, with attached legal description marked as Exhibit "A" and as shown on Drawing No. 00116-C, marked as Exhibit "B," attested by the City Engineer under seal to be recorded in the Office of the County Recorder.

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APPROVED: MICHAEL AGUIRRE, City Attorney

By _____

Deputy City Attorney

Orig.Dept: DSD

J.O. 43-0376

Drawing No. _____-C

R-2008-____

EXHIBIT "A"
LEGAL DESCRIPTION

STREET VACATION - LA JOLLA SCENIC DRIVE AND GENERAL UTILITY AND
ACCESS EASEMENT RESERVED FROM STREET VACATION
SOUTHEASTERLY OF TORREY PINES ROAD

STREET DEDICATION - LA JOLLA VILLAGE DRIVE SOUTHEASTERLY OF TORREY
PINES ROAD AND EASEMENT DEDICATION

PARCEL 'A'

THAT PORTION OF LA JOLLA SCENIC DRIVE, DEDICATED FOR STREET PURPOSES
BY RESOLUTION 150337, RECORDED OCTOBER 3, 1958 DOCUMENT NO. 163406 O.R.,
TOGETHER WITH THAT PORTION OF LA JOLLA SCENIC DRIVE AND TORREY PINES
ROAD BOTH DEDICATED PER LA JOLLA HIGHLANDS UNIT NO. 3, IN THE CITY OF
SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO
MAP THEREOF NO. 3528, FILED IN THE OFFICE OF THE COUNTY, OCTOBER 19, 1956.

VACATING THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF LA JOLLA
VILLAGE DRIVE (FORMALLY MIRAMAR ROAD) DEDICATED FOR STREET
PURPOSES BY RESOLUTION NO. 186827 RECORDED APRIL 5, 1966 DOCUMENT NO.
56775 OF OFFICIAL RECORDS, SAID POINT ALSO BEING A POINT ON THE
NORTHERLY RIGHT OF WAY LINE OF SAID LA JOLLA SCENIC DRIVE DEDICATED
FOR STREET PURPOSES BY RESOLUTION 150337, RECORDED OCTOBER 3, 1958
DOCUMENT NO. 163406 O.R.; THENCE SOUTHERLY ON THE NORTHERLY RIGHT OF
WAY LINE OF SAID LA JOLLA SCENIC DRIVE, SOUTH 62°35'54" EAST, 24.94 FEET TO
THE **TRUE POINT OF BEGINNING**; THENCE ALONG SAID NORTHERLY RIGHT OF
WAY LINE SOUTH 62°35'54" EAST, 164.60 FEET TO THE BEGINNING OF A TANGENT
651.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE ALONG THE
ARC OF SAID CURVE WESTERLY AND SOUTHERLY THROUGH A CENTRAL ANGLE
OF 09°16'03", AN ARC DISTANCE OF 105.30 FEET TO A POINT HEREIN DESCRIBED
AS **POINT 'A'** ALSO BEING A POINT ON THE SOUTHWESTERLY RIGHT OF WAY
LINE OF LA JOLLA SCENIC WAY DEDICATED PER RESOLUTION 150337, RECORDED
OCTOBER 3, 1958 AS DOCUMENT NO. 163406 O.R., A RADIAL TO SAID POINT BEARS
NORTH 36°40'09" EAST; THENCE SOUTHERLY ON SAID RIGHT OF WAY LINE SOUTH
21°57'52" EAST, 17.17 FEET TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS
CURVE, CONCAVE NORTHWESTERLY; THENCE ALONG THE ARC OF SAID CURVE
SOUTHERLY AND WESTERLY THROUGH A CENTRAL ANGLE OF 149°01'24", AN
ARC DISTANCE OF 52.02 FEET TO THE BEGINNING OF A REVERSE CURVE,
CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 605.00 FEET; THENCE ALONG
THE ARC OF SAID CURVE NORTHERLY AND WESTERLY THROUGH A CENTRAL
ANGLE OF 09°39'26", AN ARC DISTANCE OF 101.97 FEET; THENCE NORTH 62°35'54"
WEST, 113.81 FEET TO THE BEGINNING OF A TANGENT 56.00 FOOT RADIUS CURVE,

CONCAVE NORTHEASTERLY; THENCE ALONG THE ARC OF SAID CURVE WESTERLY AND NORTHERLY THROUGH A CENTRAL ANGLE OF 17°35'18", AN ARC DISTANCE OF 17.19 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 81.00 FEET, THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 123°54'02" AN ARC DISTANCE OF 175.16 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF CLIFFRIDGE AVENUE ALSO BEING THE EASTERLY LOT LINE OF LOT 67 PER SAID MAP 3528; DISTANT 24.57 FEET FROM THE SOUTHEASTERLY CORNER OF SAID LOT 67, THENCE NORTHERLY ALONG SAID LOT LINE NORTH 11°05'22" EAST 24.35 FEET TO THE BEGINNING OF TANGENT 25.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE ALONG THE ARC OF SAID CURVE NORTHERLY AND EASTERLY THROUGH A CENTRAL ANGLE OF 73°41'16", AN ARC DISTANCE OF 32.15 FEET; THENCE NORTH 62°35'54" WEST, 58.80 FEET TO THE TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE ALONG THE ARC OF SAID CURVE WESTERLY AND SOUTHERLY THROUGH A CENTRAL ANGLE OF 106°17'34", AN ARC DISTANCE OF 37.10 FEET TO A POINT HEREIN DESCRIBED AS **POINT 'B'**, ALSO BEING A POINT ON THE EASTERLY RIGHT OF WAY LINE OF TORREY PINES ROAD ALSO BEING THE WESTERLY LINE OF SAID LOT 67, DISTANT 70.20 FROM THE SOUTHWESTERLY CORNER OF SAID LOT 67; THENCE NORTH 11°06'32" EAST, 34.46 FEET TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL OF 93°19'50", AN ARC DISTANCE OF 32.58 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE, CONCAVE NORTHERLY HAVING A RADIUS OF 636.64 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°12'17", AN ARC DISTANCE OF 102.28 FEET TO THE BEGINNING OF A TANGENT 42.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY; THENCE ALONG THE ARC OF SAID CURVE EASTERLY THROUGH A CENTRAL ANGLE OF 04°42'02", AN ARC DISTANCE OF 3.45 FEET; THENCE NORTH 89°27'57" WEST, 48.73 FEET TO THE TO THE BEGINNING OF A TANGENT 634.64 FOOT RADIUS CURVE, CONCAVE NORTHERLY; THENCE ALONG THE ARC OF SAID CURVE EASTERLY THROUGH A CENTRAL ANGLE OF 02°53'02", AN ARC DISTANCE OF 31.94 FEET TO THE **TRUE POINT OF BEGINNING**.

AREA: 21,278 SQ.FT. 0.488 ACRES MORE OR LESS

PARCEL 'B'

RESERVING FROM SAID VACATION AN EASEMENT FOR GENERAL UTILITY AND ACCESS EASEMENT, DESCRIBED AS FOLLOWS:

BEGINNING AT SAID **POINT "A"**; THENCE SOUTH 21°57'52" EAST, 13.86 FEET ALONG THE SOUTHWESTERLY RIGHT OF WAY OF LA JOLLA SCENIC WAY PER DOCUMENT 56775 RECORDED APRIL 5, 1966 OF O.R.; THENCE SOUTH 36°59'17" WEST, 37.39 FEET TO THE BEGINNING OF A NON TANGENT 20.00 FOOT RADIUS CURVE. CONCAVE NORTHEASTERLY, A RADIAL TO SAID POINT BEARS SOUTH

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15°01'26" WEST; THENCE WESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22°02'06", AN ARC DISTANCE OF 7.69 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE, CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 605.00 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°42'37", AN ARC DISTANCE OF 7.50 FEET; THENCE NORTH 37°12'32" EAST, 46.00 FEET TO A POINT ON THE ARC OF A NON TANGENT 651.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, A RADIAL TO SAID POINT BEARS NORTH 36°24'34" EAST; THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°15'35", AN ARC DISTANCE OF 2.95 FEET TO THE **POINT OF BEGINNING**.

AREA: 640 SQ.FT. 0.015 ACRES MORE OR LESS

PARCEL 'C'

RESERVING FROM SAID VACATION AN EASEMENT FOR GENERAL UTILITY AND ACCESS EASEMENT, DESCRIBED AS FOLLOWS:

BEGINNING AT SAID POINT "B"; THENCE NORTH 11°06'32" EAST, 34.46 FEET TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL OF 93°19'50", AN ARC DISTANCE OF 32.58 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE, CONCAVE NORTHERLY HAVING A RADIUS OF 636.64 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°41'48", AN ARC DISTANCE OF 18.85 FEET A RADIAL TO SAID POINT NORTH 12°44'35" WEST; THENCE SOUTH 57°43'15" EAST, 83.50 FEET; THENCE NORTH 32°16'45" EAST, 10.00 FEET; THENCE SOUTH 57°43'15" EAST, 21.42 FEET TO THE BEGINNING OF A NON-TANGENT 81.00 FOOT RADIUS CURVE. CONCAVE SOUTHEASTERLY, A RADIAL TO SAID POINT BEARS NORTH 18°09'49" WEST; THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 26°43'35", AN ARC DISTANCE OF 37.78 FEET; THENCE NORTH 58°31'31" WEST, 72.74 FEET; THENCE SOUTH 58°40'55" WEST, 13.12 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 67 OF MAP 3528 RECORDED OCTOBER 19, 1956 O.R.; THENCE ALONG SAID NORTHERLY LOT LINE OF LOT 67 NORTH 62°35'54" WEST, 10.84 FEET TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 106°17'34", AN ARC DISTANCE OF 37.10 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF TORREY PINES ROAD AS DEDICATED PER SAID MAP 3528, ALSO BEING THE **POINT OF BEGINNING**.

AREA: 3,540 SQ.FT. 0.081 ACRES MORE OR LESS

PARCEL 'D'

STREET DEDICATION - LA JOLLA VILLAGE DRIVE

THAT PORTION OF PUEBLO LOT 1299 OF THE PUEBLO LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE JAMES PASCOE IN 1870, A COPY OF WHICH SAID MAP WAS FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 14, 1921 ALSO KNOWN AS MISCELLANEOUS MAP NO. 36.

LYING NORTHEASTERLY OF LA JOLLA SCENIC DRIVE, DEDICATED FOR STREET PURPOSES BY RESOLUTION 150337, RECORDED OCTOBER 3, 1958 DOCUMENT NO. 163406 OF OFFICIAL RECORDS, SOUTHERLY OF LA JOLLA VILLAGE DRIVE (FORMALLY MIRAMAR ROAD) AND WESTERLY OF LA JOLLA SCENIC WAY DEDICATED FOR STREET PURPOSES BY RESOLUTION NO. 186827 RECORDED APRIL 5, 1966 DOCUMENT NO. 56775 OF OFFICIAL RECORDS

EXCEPTING THAT PORTION LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF LA JOLLA SCENIC DRIVE NORTH, SAID POINT BEING DISTANT 24.94 FEET FROM THE WESTERLY CORNER OF SAID LAND, ALSO BEING THE BEGINNING OF AN ARC PARALLEL WITH AND 12.00 FEET SOUTHERLY, MEASURE AT RIGHT ANGLES, TO THE SOUTHERLY RIGHT OF WAY OF LA JOLLA VILLAGE DRIVE; THENCE ALONG SAID ARC 155.09 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 20.00 FEET, A RADIAL TO SAID BEGINNING OF REVERSE CURVE BEARS NORTH 16°21'06" WEST; THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 84°23'14" AN ARC DISTANCE OF 29.46 FEET TO THE WESTERLY RIGHT OF WAY OF LA JOLLA SCENIC WAY AND THE TERMINUS OF SAID LINE.

PARCEL 'E'

EASEMENT DEDICATION – GENERAL UTILITY

THAT PORTION OF PUEBLO LOT 1299 OF THE PUEBLO LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE JAMES PASCOE IN 1870, A COPY OF WHICH SAID MAP WAS FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 14, 1921 ALSO KNOWN AS MISCELLANEOUS MAP NO. 36.

LYING NORTHEASTERLY OF LA JOLLA SCENIC DRIVE, DEDICATED FOR STREET PURPOSES BY RESOLUTION 150337, RECORDED OCTOBER 3, 1958 DOCUMENT NO. 163406 OF OFFICIAL RECORDS, SOUTHERLY OF LA JOLLA VILLAGE DRIVE (FORMALLY MIRAMAR ROAD) AND WESTERLY OF LA JOLLA SCENIC WAY DEDICATED FOR STREET PURPOSES BY RESOLUTION NO. 186827 RECORDED

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APRIL 5, 1966 DOCUMENT NO. 56775 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT SAID POINT "A"; THENCE NORTH 21°57'52" WEST, 3.44 FEET ALONG THE SOUTHWESTERLY RIGHT OF WAY OF SAID LA JOLLA SCENIC WAY; THENCE SOUTH 37°12'32" WEST 1.80 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF SAID LA JOLLA SCENIC DRIVE NORTH ALSO BEING THE BEGINNING OF A NON TANGENT 651.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, A RADIAL TO SAID POINT BEARS NORTH 36°24'34" EAST; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°15'35", AN ARC DISTANCE OF 2.95 FEET TO THE POINT OF BEGINNING.

AREA: 2 SQ.FT. 0.000 ACRES MORE OR LESS

PARCEL 'F'

EASEMENT DEDICATION - GENERAL UTILITY

RESERVING FROM SAID VACATION AN EASEMENT FOR GENERAL UTILITY AND ACCESS EASEMENT, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF LA JOLLA VILLAGE DRIVE (FORMALLY MIRAMAR ROAD) DEDICATED FOR STREET PURPOSES BY RESOLUTION NO. 186827 RECORDED APRIL 5, 1966 DOCUMENT NO. 56775 OF OFFICIAL RECORDS, SAID POINT ALSO BEING A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SAID LA JOLLA SCENIC DRIVE DEDICATED FOR STREET PURPOSES BY RESOLUTION 150337, RECORDED OCTOBER 3, 1958 DOCUMENT NO. 163406 O.R.; THENCE SOUTHERLY ON THE NORTHERLY RIGHT OF WAY LINE OF SAID LA JOLLA SCENIC DRIVE, SOUTH 62°35'54" EAST, 24.94 FEET TO THE BEGINNING OF A NON-TANGENT, 634.64 FOOT RADIUS CURVE, CONCAVE NORTHERLY, A RADIAL LINE TO SAID CURVE BEARS SOUTH 02°20'59" EAST; THENCE DEPARTING SAID NORTHERLY LINE, WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°53'02" A DISTANCE OF 31.94 FEET; THENCE NORTH 89°27'57" WEST 42.82 FEET TO **THE TRUE POINT OF BEGINNING**; THENCE SOUTHERLY ON A LINE WHICH IS PARALLEL WITH AND 34.50 FEET SOUTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHERLY RIGHT OF WAY LINE OF SAID LA JOLLA SCENIC DRIVE SOUTH 62°35'54" EAST FEET 230.92 FEET TO THE BEGINNING OF A TANGENT 616.50 FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°19'42" AN ARC DISTANCE OF 121.89 FEET TO A POINT ON A NON-TANGENT 20.00 FOOT RADIUS CURVE CONCAVE NORTHERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 26°57'28" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°35'18" A DISTANCE OF 22.35 FEET TO THE BEGINNING OF

002980

A 605.00 FOOT RADIUS REVERSE CURVE, CONCAVE SOUTHWESTERLY, SAID CURVE BEING CONCENTRIC WITH AND 46.00 FEET SOUTHWESTERLY OF SAID NORTHERLY RIGHT OF WAY LINE OF SAID LA JOLLA SCENIC DRIVE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°39'26" A DISTANCE OF 101.97 FEET; THENCE NORTH 62°35'54" WEST FEET 113.81 FEET TO THE BEGINNING OF A TANGENT 56.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°35'18" A DISTANCE OF 17.19 FEET; TO THE BEGINNING OF A REVERSE 81.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 46°13'09" A DISTANCE OF 65.34 FEET; THENCE NORTH 62°35'54" WEST FEET 74.03 FEET TO THE BEGINNING OF A NON-TANGENT 636.47 FOOT RADIUS CURVE, CONCAVE NORTHERLY, A RADIAL LINE TO SAID CURVE BEARS SOUTH 07°59'59" WEST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°45'54" A DISTANCE OF 30.72 FEET TO THE BEGINNING OF A COMPOUND 42.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°42'02" A DISTANCE OF 3.45 FEET; THENCE SOUTH 89°27'57" EAST FEET 5.91 FEET TO THE TRUE POINT OF BEGINNING.

AREA = 4,564.72 SQ. FT. OR 0.105 ACRES MORE OR LESS.

[Handwritten signature]

10-1-2008

DK NASLAND PLS 5562

DATE



J.O. NO. 421438

P.T.S. NO 6098

DWG NO

002681

MM36 - PUEBLO LANDS POR. LOT 1200

SHEET 2 OF 2 SHEETS

MM36 - PUEBLO LANDS
POR. LOT 1299

TORREY PINES ROAD
PER CITY DNG 12210-0

MAP 352B
LOT 87

CLIFFRIDGE AVE
PER CITY DNG 12210-0

MAP 352B
LOT 86

MAP 4045

LA JOLLA VILLAGE DRIVE

LA JOLLA SCENIC DRIVE NORTH
PER CITY DNG 4502-0

MAP 7353

SCALE 1"=30'



LEGEND

- INDICATES STREET DEDICATION
AREA: 2.183 SQ. FT. 0.000 ACRES
- PROPERTY LINE
- RIGHT OF WAY LINE
- CENTER LINE

REFERENCE DRAWINGS:

MAP 4045
MAP 352B
MAP 7353
CITY DRAWING # 4502-0
CITY DRAWING # 12210-0
CITY DRAWING # 11292-2-H-0

A.P.N.
344-120-28



VICINITY MAP
NO SCALE



STREET DEDICATION HILLET OF SAN DIEGO - UCSD



NASLAND ENGINEERING
CIVIL ENGINEERING • SURVEYING • LAND PLANNING
4740 Arthur Street, San Diego, California 92111 • 619-292-7770

DESCRIPTION	BY	APPROVED	DATE	FILED
ORIGINAL	MP		7-17-08	
REVISED - NEW EASE	MP		8-18-08	
REVISED - PARCEL C	SH		8-18-08	
REVISED - NEW EASE	MT		8-22-08	
FINAL - SIGNED	MP		10-1-08	

STATUS

CITY OF SAN DIEGO, CALIFORNIA
SHEET 1 OF 1 SHEET

FOR CITY ENGINEER

DATE

LOG. NO. 4214.38
PTS. NO. 6088
1896-6255
DGS 81 COORDINATES
256-1695
LAMBERT COORDINATES

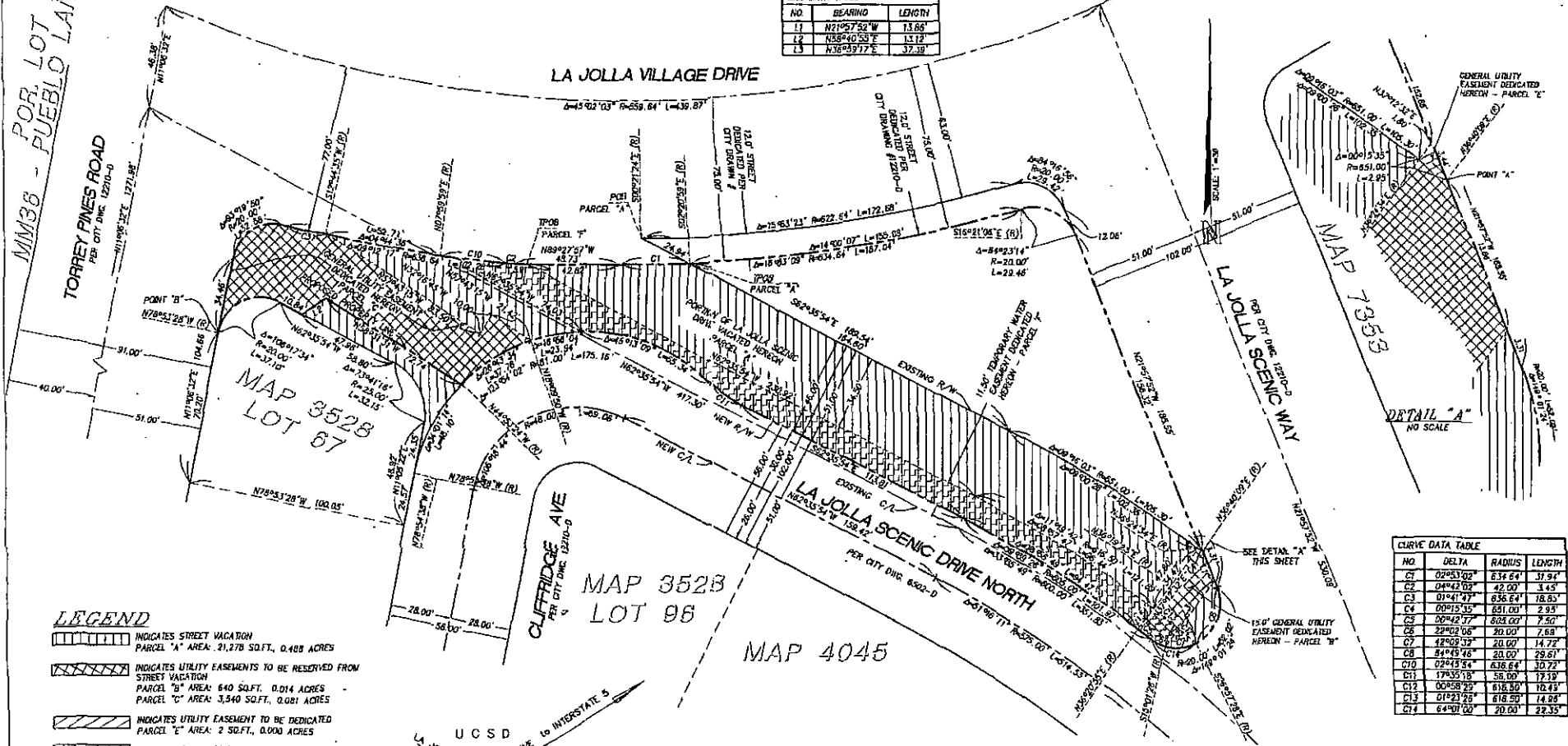
MM36 - PUEBLO LANDS
TORREY PINES ROAD
PER CITY DING 12210-0

MM36 - PUEBLO LANDS POR. LOT 1299

SHEET 1 OF 2 SHEETS

NO	BEARING	LENGTH
L1	N21°05'52"W	73.66'
L2	N38°40'53"E	13.12'
L3	N76°03'17"E	37.30'

LA JOLLA VILLAGE DRIVE



LEGEND

- INDICATES STREET VACATION
PARCEL "A" AREA: 31,278 SQ.FT., 0.468 ACRES
- INDICATES UTILITY EASEMENTS TO BE RESERVED FROM STREET VACATION
PARCEL "B" AREA: 640 SQ.FT., 0.014 ACRES
PARCEL "C" AREA: 3,540 SQ.FT., 0.081 ACRES
- INDICATES UTILITY EASEMENT TO BE DEDICATED
PARCEL "E" AREA: 2 SQ.FT., 0.000 ACRES
- INDICATES PROPOSED TEMPORARY WATER EASEMENT TO BE RESERVED FROM STREET VACATION. THE TEMPORARY WATER EASEMENT WILL BE OUTLINED BY THE CITY UPON COMPLETION OF THE ABANDONMENT OF PORTION OF THE 12" WATER MAIN (SEE SHEET, C-4)
PARCEL "F" AREA: 4,565 SQ.FT., 0.105 ACRES
- PROPOSED PROPERTY LINE
- RIGHT OF WAY LINE
- EXISTING CENTER LINE
- PROPOSED CENTER LINE

REFERENCE DRAWINGS:

MAP 4045
MAP 3528
MAP 7353
CITY DRAWING # 6502-D
CITY DRAWING # 12210-0
CITY DRAWING # 12292-2-H-0

A.P.N.

344-120-26

VICINITY MAP

NO SCALE



STREET VACATION AND EASEMENT RESERVATION / DEDICATION HILLEL OF SAN DIEGO - UCSD

DESCRIPTION	BY	APPROVED	DATE	FILED
ORIGINAL	MP		7-17-08	
REVISED - NEW EASE	MP		8-12-08	
REVISED - PARCEL C	SH		8-19-08	
REVISED - NEW EASE	MP		8-22-08	
FINAL - SIGNED	MP		10-1-08	

STATUS



NASLAND ENGINEERING

CIVIL ENGINEERING • SURVEYING • LAND PLANNING
4740 Rutledge Street, San Diego, California, 92111 • 619-292-7770

101-189.2

CITY OF SAN DIEGO, CALIFORNIA
SHEET 1 OF 1 SHEET

FOR CITY ENGINEER

J.O. NO. 421435
PTS. NO. 6098

1895-6255
ECS 83 COORDINATES
255-1695
LAMBERT COORDINATES

PLANNING COMMISSION RESOLUTION NO. 4475-PC

RECOMMENDING THAT THE CITY COUNCIL NOT CERTIFY THE MITIGATED NEGATIVE DECLARATION, AND NOT ADOPT THE MITIGATION, MONITORING, AND REPORTING PROGRAM, AND THAT THE CITY COUNCIL DENY SITE DEVELOPMENT PERMIT NO. 527861; EASEMENT ACQUISITION NO. 584509; AND PUBLIC RIGHT-OF-WAY VACATION NO. 527860

WHEREAS, on November 6, 2008 the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of the City of San Diego either to Certify or Not Certify the Mitigated Negative Declaration, and to Adopt or Not Adopt the Mitigation, Monitoring, and Reporting Program, and either to Approve or Deny Site Development Permit No. 527861; Easement Acquisition No. 584509; and Public Right-of-Way Vacation No. 584510; and

WHEREAS, ROBERT MARSHALL, an Individual, Owner, and HILLEL OF SAN DIEGO, a California nonprofit Corporation, Permittee (Phase I) and HILLEL OF SAN DIEGO, a California nonprofit Corporation, Owner and Permittee (Phase II), requested a Site Development Permit No. 527861; Easement Acquisition No. 584509; and Public Right-of-Way Vacation No. 527860, to allow for the development of a phased project to construct a 12,100 square-foot religious student center on a vacant 0.77-acre site on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way (with Phase I to use the existing single-family residence at 8976 Cliffridge Avenue as a religious student center until the Phase II religious student center is constructed and occupied) in the SF Zone of La Jolla Shores Planned District within the La Jolla Community Plan, Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, and Council District 1; and

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW HEREOF, BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends that the City Council Not Certify the Mitigated Negative Declaration, Not Adopt the Mitigation, Monitoring, and Reporting Program, and to Deny Site Development Permit No. 527861; Easement Acquisition No. 584509; and Public Right-of-Way Vacation No. 584510; and not incorporate all other listed actions.



Daniel Stricker
Development Project Manager
Development Services Department
Dated November 6, 2008
By a vote of: 4:1:2

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
NOVEMBER 6, 2008
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:10 am. Chairperson Schultz adjourned the meeting at 5:10 pm.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz – present (left at 2:00pm returned at 3:19pm)
Vice-Chairperson - Eric Naslund –present
Commissioner Robert Griswold – present
Commissioner Gil Ontai –present
Commissioner Dennis Otsuji - present
Commissioner Mike Smiley – not present
Commissioner Tim Golba - present

Staff

Keith Bauerle, City Attorney - present
Christine Rothman, Planning Department – present
Mike Westlake, Development Services Department - present
Brenda Clark, Legislative Recorder - present
Elisa Contreras, Recorder – present

002986

ITEM- 9: *Continued from October 16, 2008:*

***HILLEL OF SAN DIEGO STUDENT CENTER – PROJECT NO. 149437**

City Council District: 1; Plan Area: La Jolla

Staff: Dan Stricker

Speaker slips submitted in favor of project by Jodie Kapla, Gabriel Germanow, Michael Breslauer, Paul Datrow, Lynne Heidel, Bob Haynes, Ken Walker, Mark Steele, Geoffrey Bers, John Keating, David W. Reed, Manigah Breskin, Robert Lapidus, Sarah Isreal, Arya Marvazy, Adam Rosenthal, Herbert J. Solomon, Jacquelyn Tolley, Emily Cohen, Julie Potiker, Suzy Sostrin, Jhoshua Friedman, Neal Singer, Andrew C. Kummel, Noah Bresler,

Speaker slips submitted oppose to project by Alex Varon, Helen Boyden, Deborah Shoul, Joe LaCava, Dr. Ross M. Starr, Robert L. Barto, Beverly Douglas, Mary Coakley, Beth Rock, Doug Boyden, Betsy Hasiland, Susan Goulian, Michael Costello, B. W. Junes, Kimberly Rebez, Jim Fitzgerald, Tom Brady, Alan M. Schneider, Todd T. Cardiff, Dan Courtney.

COMMISSION ACTION:

MOTION BY COMMISSIONER NASLUND TO RECOMMEND CITY COUNCIL APPROVE STAFF RECOMMENDATIONS 1, 2, 3, AND 4 as presented in Report No. PC-08-119. Second by Commissioner Otsuji failed by a vote of 2-3 with Commissioners Schultz, Golba and Griswold voting nay, not able to make the compatibility finding.

SECOND MOTION BY COMMISSIONER NASLUND TO RECOMMEND CITY COUNCIL NOT CERTIFY MITIGATED NEGATIVE DECLARATION NO. 149437, AND NOT ADOPT MITIGATION MONITORING AND REPORTING PROGRAM;

RECOMMEND CITY COUNCIL NOT APPROVE SITE DEVELOPMENT PERMIT NO. 527861; RECOMMEND CITY COUNCIL NOT APPROVE PUBLIC RIGHT-OF-WAY VACATION NO. 527860; AND RECOMMEND CITY COUNCIL NOT APPROVE EASEMENT ACQUISITION NO. 584509. Second by Commissioner Golba passed by a vote of 4-1-2 with Commissioner Otsuji voting nay, Commissioner Ontai recusing and Commissioner Smiley not present. Resolution No. 4475-PC

002987

343
12/02

-----Original Message-----

From: piastern [mailto:piastern@sbcglobal.net]
Sent: Monday, November 17, 2008 5:01 PM
To: CLK Hearings1
Subject: RE: Hillel Hearing

Dear Liz Maland,

Unfortunately, I will be working the day of the hearing regarding the proposed Hillel Student Center development, project # 149437. However, I wish to have on record my **STRONG DISAPPROVAL** of such a development in this area. This is a residential community, already terribly impacted by traffic problems due to its proximity to both the freeway and the University. I speak from direct knowledge and experience - I live in the area! In fact, there is a very high incidence of traffic accidents in this very vicinity.

A religiously-affiliated establishment, especially one serving students who tend to be boisterous and rowdy, is not appropriate for this location. There are already two Temples located in this area. It would make much more sense for the students to use one of these sites for their group meetings.

This issue has come up any number of times - the majority of the people who live here oppose such a proposal. The people who live in this area are the ones who will be impacted - when does NO mean NO!?

By the way, I happen to be Jewish, so my opinion is not based on any prejudice - just a concern for the **WHOLE** community's quality of life and plain old common sense!

Respectfully yours,

Pia Stern
8957 Caminito Verano (La Jolla Shores Heights)
La Jolla, 92037

002989

From: CLK City Clerk
Sent: Wednesday, November 19, 2008 2:10 PM
To: Vetter, Gary
Subject: FW: URGENT CC docket revision 12/2/2008

Follow Up Flag: Follow up
Flag Status: Orange

Attachments: WesternNoticewithNewspaper.pdf; WesternNoticewithNewspaperdistant.pdf; WesternNoticeDistant.pdf; Recommendation November 19, 2008, City Council.pdf; EasternNoticewithNewspaper.pdf; DickandRossNov182008320pm.pdf; DickandJessieNov182008320PM.pdf; CenterNoticewithNewspaper.pdf; CenterNotice(close).pdf



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CenterNoticewit CenterNotice(clo
Newspaper.pdf .se).pdf (212 K...

-----Original Message-----

From: Ross Starr [mailto:rstarr@weber.ucsd.edu]
Sent: Wednesday, November 19, 2008 9:19 AM
To: CLK City Clerk
Cc: sue@mind.ucsd.edu
Subject: URGENT CC docket revision 12/2/2008

November

19, 2008

To: Elizabeth Maaland, City Clerk

From: Ross M. Starr, rstarr@ucsd.edu, 858-455-1630

Recommend continuing Project 149437, Right of Way Vacation of La Jolla Scenic Dr., due to incomplete posting of notices.

On Tuesday, November 18, 2008, at approximately 3:20 PM, Jessica Attiyeh, Richard Attiyeh, and Ross Starr inspected the posted notices at Site 653, the La Jolla Scenic Dr. right of way. That time and date is two weeks prior to the scheduled hearing at 2:00 PM, December 2, 2008. There were three posted notices there, announcing the hearing regarding right of way vacation to be held on OCTOBER 16, 2008. There were no posted notices for the hearing currently docketed for December 2, 2008.

The situation was the same at 8:00 this morning.

I recommend continuing the currently scheduled December 2 hearing regarding right of way vacation to a later date, due to absence of timely posting of notices at the site.

The attachments are documentation of the situation.

042930

The San Diego

Union-Tribune

Gaylord drops Chula Vista bayfront project

Bailout
fatigue
stalls aid
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draws fi

POSTED NOTICE OF PUBLIC HEARING PUBLIC RIGHT-OF-WAY ACATION

POSTED NOTICE OF APPLICATION

THROUGH
 52991

...sailed the Port of San
 ...were ... yesterday
 ...Entertainment dropped
 ...for a 32-acre resort, another
 ...17.5 years of failed
 ...to develop the 28-year

...afternoon meetings
 with the Port District and the city
 Gaylord, Senior Vice President Ben
 ...the regulatory
 ...financial hurdles were desh
 ...breaker.
 ...The project had been held out as
 ...the Dayfront savior that would bring
 ...jobs, tourism and cash to Chula Vis
 ...the port and Gaylord, based in
 ...Nashville, Tenn.
 "I'm really disappointed," said

...she had wanted Gaylord planned to
 ...but she said, "There is no doubt in my
 ...mind that Gaylord's decision is a
 ...Port Commission chairwoman, Mi
 ...chael Beder
 ...the port and
 ...heard on a
 ...that he was
 ...through all
 ...ed aspect
 ...labor union

The lesson to be learned is that
 when you have a billion-dollar pro
 ...you can push these things out
 ...side the bounds of success and end
 ...up with nothing. Beder said, "You
 ...have to be careful about backing
 ...people into a corner when they have
 ...a choice."
 However, the dashed deal could
 ...open other doors, such as a new
 ...possible stadium site for the San

SEE Gaylord, AG

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THE CITY OF SAN DIEGO

DATE OF NOTICE: October 1, 2008

POSTED NOTICE OF PUBLIC HEARING PUBLIC RIGHT-OF-WAY VACATION DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	October 16, 2008
TIME OF HEARING:	9:00 AM
LOCATION OF HEARING:	Council Chambers, 12th Floor City Administration Building, 202 C Street, San Diego, California
PROJECT NUMBER:	149437
PROJECT NAME:	HILLEL OF SAN DIEGO STUDENT CENTER
APPLICANT:	Hillel of San Diego
COMMUNITY PLAN AREA:	La Jolla
COUNCIL DISTRICT:	District 1
CITY PROJECT MANAGER:	Daniel Stricker, Development Project Manager
PHONE NUMBER:	(619) 446-5251

UNDER THE PROVISIONS OF THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS
 VACATION LAW AND FIXING A TIME AND PLACE FOR HEARING THEREOF

NOTICE IS HEREBY GIVEN that the Council of the City of San Diego, California, will proceed under the
 provisions of the Public Streets, Highways and Service Easements Vacation Law to adopt a Resolution
 terminating the public right to use a certain street and/or public service easement as shown on drawing
 No. 00116-C, located along the north side of La Jolla Scenic Drive North, between Cliffridge Avenue and La
 Jolla Scenic Way to be vacated.

For more information concerning this notice, contact the City Project Manager listed above.



2483



THE CITY OF SAN DIEGO

DATE OF NOTICE: October 1, 2008

POSTED NOTICE OF PUBLIC HEARING PUBLIC RIGHT-OF-WAY VACATION DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	October 16, 2008
TIME OF HEARING:	9:00 AM
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California
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COUNCIL DISTRICT:	District 1
CITY PROJECT MANAGER:	Daniel Stricker, Development Project Manager
PHONE NUMBER:	(619) 446-5251

UNDER THE PROVISIONS OF THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENT VACATION LAW AND FIXING A TIME AND PLACE FOR HEARING THEREOF.

NOTICE IS HEREBY GIVEN that the Council of the City of San Diego, California, will proceed with the provisions of the Public Streets, Highways and Service Easements Vacation Law to adopt a Resolution terminating the public right to use a certain street and/or public service easement as shown on the map, located along the north side of La Jolla Scenic Drive North, between Cliffridge Avenue and the La Jolla Scenic Way to be vacated.

For more information concerning this notice, contact the City Project Manager listed above.

002995

November 19, 2008

To: Elizabeth Maaland, City Clerk

From: Ross M. Starr, rstarr@ucsd.edu, 858-455-1630

Recommend continuing Project 149437, Right of Way Vacation of La Jolla Scenic Dr., due to incomplete posting of notices.

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The situation was the same at 8:00 this morning.

I recommend continuing the currently scheduled December 2 hearing regarding right of way vacation to a later date, due to absence of timely posting of notices at the site.



aylord drops Chula Vista bayfront project

Port disappointed at deal fell through

Chula Vista and the Port of San Diego were disappointed when the deal to build a new bayfront project fell through. The project, which would have included a new pier and a new terminal, was a major part of the city's long-term plan to develop the bayfront area. The deal, which was announced last year, was expected to be completed by 2010. However, the deal fell through due to a number of factors, including the city's decision to pursue a different development plan for the bayfront area.

The city's decision to pursue a different development plan for the bayfront area was a major setback for the city. The city had spent a significant amount of money on the project, and the deal had been expected to bring in a significant amount of revenue for the city. The city's decision to pursue a different development plan for the bayfront area was a major setback for the city. The city had spent a significant amount of money on the project, and the deal had been expected to bring in a significant amount of revenue for the city.

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Bailout fatigue stalls aid for Big 3

House reluctant to pass Street fund

The House of Representatives is reluctant to pass a bill that would provide additional funding for the Big 3 (General Motors, Ford, and Chrysler). The bill, which is part of a larger package of aid for the automotive industry, has been stalled in the House for several weeks. The House is concerned that the bill would provide too much aid to the Big 3, and that it would be a burden on the federal budget. The House is also concerned that the bill would provide aid to the Big 3 at the expense of other industries that are also struggling. The House is expected to vote on the bill in the coming weeks.

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The city's decision to pursue a different development plan for the bayfront area was a major setback for the city. The city had spent a significant amount of money on the project, and the deal had been expected to bring in a significant amount of revenue for the city. The city's decision to pursue a different development plan for the bayfront area was a major setback for the city. The city had spent a significant amount of money on the project, and the deal had been expected to bring in a significant amount of revenue for the city.



CITY OF SAN DIEGO

DATE OF NOTICE: October 1, 2008

POSTED NOTICE OF PUBLIC HEARING PUBLIC RIGHT-OF-WAY VACATION

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	October 16, 2008
TIME OF HEARING:	9:00 AM
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building 202 C Street, San Diego, California
PROJECT NUMBER:	149437
PROJECT NAME:	HILL OF SANDIEGO STUDENT CENTER
APPLICANT:	Hill of San Diego
COMMUNITY PLAN AREA:	La Jolla
COUNCIL DISTRICT:	District 1
CITY PROJECT MANAGER:	Daniel Stricker, Development Project Manager
PHONE NUMBER:	(619) 446-5251

UNDER THE PROVISIONS OF THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENT VACATION LAW AND FIXING A TIME AND PLACE FOR HEARING THEREOF

NOTICE IS HEREBY GIVEN that the Council of the City of San Diego, California, will proceed and the public laws of the Public Streets, Highways and Service Easements Vacation Law to adopt a resolution authorizing the public right-of-way vacation and/or public service easement to be vacated in the City of San Diego, located along the north side of La Jolla Scenic Drive North between Cliff Drive and La Jolla Village Way, and vacated.

For more information contact the City Project Manager listed above.

002599

From: CLK City Clerk
Sent: Wednesday, November 19, 2008 2:18 PM
To: Atkins, Councilmember; Faucett, Aimee; Faulconer, Council Member Kevin; Frye, Donna; Hueso, Councilmember Ben; Lujan, Magdalena; Madaffer, Councilmember Jim; Maienschein, Councilmember; Peters, Councilmember Scott; Pickens, Sonia; Soria, Patricia; Vetter, Gary; Yepiz, Lauren; Young, Anthony
Subject: FW: pdf of SDUT
Attachments: SDUTNov182008.pdf



SDUTNov182008
.pdf (4 MB)

-----Original Message-----

From: Ross Starr [mailto:rstarr@weber.ucsd.edu]
Sent: Wednesday, November 19, 2008 9:20 AM
To: CLK City Clerk
Cc: sue@mind.ucsd.edu
Subject: pdf of SDUT

pdf of SDUT 11/18/08 attached for verification. Yrs, R

003000

The San Diego

Union-Tribune.



Tuesday
November 18, 2008

75c
PLUS TAX
Final

Gaylord drops Chula Vista bayfront project

Port disappointed
Deal fell through

by Sierra
RITER

Chula Vista and the Port of San Diego were reeling yesterday after the entertainment dropped a 32-acre resort, another setback in 35 years of failed attempts to develop the city's waterfront.

front.

In separate afternoon meetings with the Port District and the city, Gaylord Senior Vice President Bennett Westbrook said the regulatory and financial hurdles were deal-breakers.

The project had been held out as the bayfront savior that would bring jobs, tourism and cash to Chula Vista, the port and Gaylord, based in Nashville, Tenn.

"I'm really disappointed," said

Mayor Cheryl Cox, who added that she had no idea Gaylord planned to pull out. "There is no doubt in my mind that Gaylord's decision is final."

Port Commission Chairman Michael Bixler of Imperial Beach said the port and Chula Vista worked hard on a deal with Gaylord, adding that he was disappointed it fell through. The project's most disputed aspects involved demands from labor unions.

"The lesson to be learned is that when you have a billion-dollar project, you can push these things outside the bounds of success and end up with nothing," Bixler said. "You have to be careful about backing people into a corner when they have a choice."

However, the dashed deal could open other doors, such as a new possible stadium site for the San

SEE Gaylord, A6

Bailout fatigue stalls aid for Big 3

White House reluctant to tap Wall Street fund

By Julie Hirschfeld Davis
ASSOCIATED PRESS

WASHINGTON — Prospects dimmed yesterday for the \$25 billion bailout that U.S. automakers say they desperately need to get through a bleak and dangerous December.

Though all sides agree that Detroit's Big Three automakers are in peril, bat-

W rule
health
providers
laws fire



003001

November 15, 2008

Department of Development Services
City of San Diego
Dan Stricker, Project Manager
1222 First Avenue, M.S. 501
San Diego, CA 92101

City Clerk
City Administration Bldg
202 C Street, M.S. 2A
San Diego, CA 92101

RECEIVED
CITY CLERK'S OFFICE
08 NOV 19 AM 10:25
SAN DIEGO, CALIF.

RE: Project 149437, Hillel Student Center

We are requesting information under the Public Records Act.

We would like access to the following information so that we may have an opportunity to review it and comment on it and the Mitigated Negative Declaration, prior to the City Council Public Hearing for Project 149437, Hillel Student Center, currently docketed for December 2, 2008 at 2:00 PM, and noticed on November 14, 2008. We believe that this information is important for our comments and will reflect material changes from the plans previously available.

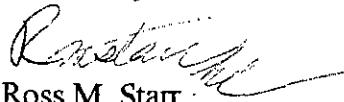
1. The latest plans for Project 149437, in particular the sheets showing configuration of the underground garage, as modified in November 2008, and the cover page A0.0 and any other changes made subsequent to the Planning Commission Hearing of November 6, 2008. Please include the brand, model and specifications for any lift proposed to be installed.

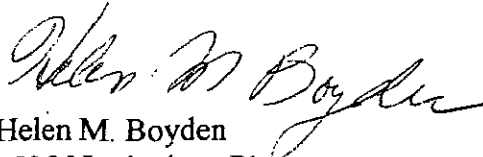
2. Information on the fuel cell to be installed to meet the requirements of City Council Policy 900-14, so that we may evaluate its safety. The fuel cell is called out in the project description and in Item 38 of the project conditions, but full disclosure has not been provided in the Mitigated Negative Declaration. Please provide the type of fuel to be used, the location of the fuel cell in the building and the amount of energy to be produced and any brand or model to identify the fuel cell.

This information is for our personal use and we request waiver of any fees.

Thank you very much.

Yours truly,


Ross M. Starr
8675 Cliffridge Avenue
La Jolla, CA 92037
858-455-1630
rstarr@weber.ucsd.edu


Helen M. Boyden
8525 Nottingham Place
La Jolla, CA 92037
858-453-6198
hboyden@san.rr.com

003002

From: Ellen Chien [eytchien@msn.com]
Sent: Sunday, November 23, 2008 5:48 PM
To: CLK City Clerk
Subject: Project #149437 (Hillel of San Diego Student Center)

Dear Mr. Peters,

I am writing to ask you to please help us stop the Hillel project, project #149437. It will cause bad traffic in that corner, which already has bad traffic flow and suffers major congestions during rush hours. In addition, it will encroach on a residential area. Doesn't matter how one puts it or look at it, it is not a residential building and will NOT be used for residential purposes. It is a student center and should stay on UCSD campus.

Please help us preserve our residential neighborhood and vote "no" on project #149437.

Thanks you!

Sincerely,
-Ellen Chien

11/24/2008

003003

From: Karen Cox [coxbox@san.rr.com]
Sent: Wednesday, November 19, 2008 7:31 AM
To: CLK Hearings1
Subject: Hillel of San Diego Student Center

I am writing, once again, to voice mine, and my husbands, opinion about absolutely why the student center, and the house that remains as an office on the corner ,should NOT be allowed in our neighborhood.

The key word being..NEIGHBORHOOD. This is why we bought a house here.. Why we paid quite a sum to have this nice neighborhood.. Not to have a student center one block away..

Parking would be a nightmare on Friday nights.. Lets not kid about that.. We already have students and theatre goers.. The cars would be down our block.

Parking in general.. We have gone around the corner and looked at their idea of the elevated parking.. At the last meeting it was discussed how long it would take for each car.. and how they would be backed up.

And taking the city property on the corner ?.. thats not theirs ...

And furthermore why is the house still allowed to operate there against all city codes? No one lives there.The blinds are down all day.. It is a business. It is not supposed to be in our NEIGHBORHOOD..but no one seems to care,except those of us who live here.

If I had wanted to live in a business area I would have rented an apt by Whole Foods..But now I have the fear that I may have a \$2 million dollar house... ..by an office and a student center.

Please do not approve this..

Dr. and Mrs Gary Cox.

003604

From: Helen Boyden [hboyden@san.rr.com]
Sent: Thursday, November 20, 2008 9:21 PM
To: CLK Hearings1
Subject: Project 149437/Dec2

Attachments: PC-08-119errors.doc; Project 149437 Planning Commissionsubmission.doc



PC-08-119errors Project 149437
.doc (32 KB) lanning Commis.

For the Mayor and City Council:

Attached please find two documents previous submitted to the Planning Commission, please distribute them to the City Council and Mayor with their packet for the December 2 meeting.

Each piece has my name and address on it.

Helen Boyden
8525 Nottingham Place
La Jolla, CA 920237

To Members of the City Council:

The following are:

Errors in Report PC-08-119 -Hillel of San Diego Student Center

Presented November 6, 2008 by Helen M. Boyden, 8525 Nottingham Place, La Jolla

This document contains many errors of fact and mistaken interpretations of the Land Development Code. The following is not an all inclusive list. Only pages 1-12 are considered here.

Page 2, Background On March 17, 2005, The Planning Commission voted to revise a section of the motion to read: . . . single family uses that surround it because of the potential impact of parking overflow, therefore the neighborhood compatibility findings cannot be made . . ."

Page 3, Paragraph beginning "The May 9, 2006 approval" The judge *did not* rule that the "project's Mitigated Negative Declaration was the appropriate environmental document." **The court cannot determine that the MND is the appropriate instrument. It can merely determine that the current document is sufficient or insufficient.**

Page 3 Paragraph beginning "The applicant submitted . ." refers to a fuel cell. I don't see mention of a fuel cell in the plans.

Page 4, Paragraph beginning "Phase I" This building has been allowed to be occupied with changed use without a permit and without the required parking for several years.

Page 5. Paragraph beginning "The proposed project . ." There is no foundation to estimate student use. The only document referred to was for the previous project and staff has removed that section from the Traffic Analysis report.

Page 5. Paragraph beginning "The project would . . ." The number of parking spaces does not meet the parking requirements of the Land Development Code. There won't be fixed seats; therefore the parking requirement should be based on the square footage of the assembly area. Exceptions to the parking requirement provisions that go along with a TDMP are ignored. Also ignored is the overriding requirement of the LJSPDO to sum the requirements of the different uses here. Because of the uncertainty that installed lifts will be used we are looking at only the base 40 spaces.

This same paragraph misstates the provisions of the shared parking agreement. It is revocable, non-exclusive, and subject to availability for weekday daytime special events.

Page 5 Paragraph beginning "The exterior elevations . ." Again the kind of fuel cell that would produce energy additional to the solar panels is not specified.

Page 6 Paragraph beginning "The subject properties . ." "Religious uses are commonly found to fit within residential areas without adversely affecting the Land Use Plan." This one potentially offers so many different activities in its role of a student center, that it will attract large numbers of students every day of the week. Yes, it is across the street from UCSD, but because of the way the Community Plans are bounded. UCSD is in the University Planning Group and its activities belong there in a mixed use zone. This usage does not fit and adversely affects the Land Use Plan.

003006

Page 6 – Paragraph beginning “The proposed development . . .” As stated above the parking requirement is not calculated correctly according to the Municipal Code and the La Jolla Shores Planned District Ordinance.

Page 7 – paragraph ending at the top of the page. The sidewalk is adjacent to the street on La Jolla Scenic Way.

Page 7 – Environmental Analysis can be shown to be inadequate with respect to parking, cumulative effects with UCSD construction plan, traffic and many other elements.

Page -8 Staff response #1. The traffic plan is inadequate. It did not do an existing analysis study of all these intersections and street segments. It does not break out U-turns, traffic heading to the Gilman ramp to I-5 which begins at a studied intersection. Its substantiation of student attendance is non-existent and did not account for the supposed community attendance envisioned by the responses to the MND.

Staff response #2. The community will be harmed by the irreparable and unmitigable loss of 15 unrestricted parking spaces. A creatively oriented group of city and community planners can find a better use for the Right of Way to be vacated.

Page 9 Continuation of #2. The public area is only an easement, primarily there for a utility easement. In fact on the ROW maps, only the utility easement is referred to, even though it is mentioned in the surveyor’s statement.

Page 9. Staff response #3. The parking requirement has been shown to be incorrectly calculated. The parking agreement with UCSD is revocable, non-exclusive, subject to availability for weekday daytime special events, which will occur. Shuttle service will be minimal – one van that takes 15 minutes at least to make the circuit carrying the occupants of 4 cars on average..

Staff response #4. This center will have numerous activities, as listed on the applicant’s affiliated websites.

Staff response #5. The proposed center with its driveway and patios uses up virtually all of the original lot. It cannot be built without depriving the community of valuable parking spaces.

Page 10. Does not conform to LJSPDO description of building materials and appearance, but refers only to the LJCP. Does not conform to LJCP reference to views from the public right of way, in that it looms more than forty feet above westbound drivers bound for La Jolla stopped at the gateway intersection of LJ Village Drive and LJ Scenic Way. It cites only one 2-story house in view to the south of the planned project.

The La Jolla Playhouse Theater complex is not in the LJSPDO and is not subject to city Land Development Code. The community has always considered La Jolla Village Drive to be a boundary. This plan breaches that boundary and allows University connected activities into the LJSPDO. Those activities rightly belong in the UCPG.

The nearby residents, the LJCPA and the mayor-appointed Advisory Board all believe that the project does not meet the findings for the Site Development Permit and Right of Way Vacation.

003007

To: Members of the City Council

To: Members of the San Diego City Planning Commission

From: Helen Boyden, 8525 Nottingham Place, La Jolla, CA

Re: Project 149437, scheduled for a Planning Commission hearing October 16, 2008 and November 6, 2008 and City Council December 2, 2008

I believe that the Final MND for Project No.149437, Hillel of San Diego still contains many factual errors and errors of interpretation.

Therefore, I believe that the Planning Commission should not certify the final MND. I ask that it be returned it to City staff for correction and reevaluation as to whether a full Environmental Impact Report is warranted and recirculated for public review.

I also believe that some of the same errors should warrant the rejection of the project on the basis of loss of street parking in the community, inadequate study of the parking demands of the project, and inadequacy of the plan for offsite parking.

I am submitting some information now and plan to make a statement as well as present additional citations at the hearing noticed for October 16, at 9:00 AM.

I. Submitter O, in item now coded O-59 says:

The validity of the numbers used for parking demand is, in fact, extremely dubious. The EIS refers to sources such as "a survey of existing traffic generation at three Hillel properties at other UC campuses, a survey of students attending Shabbat at the existing Hillel facility at UCSD and a profile of Jewish students at UCSD" (EIS, page 4) being used to "determine the traffic generation and parking demand expected by the proposed project" (EIS, page 4). These sources, however, are nowhere to be found in the current traffic study, nor do they have any value in calculating parking capacity as required through local land use plans. (TIA, Appendix K, does contain a copy of a single page from the study done for Project 6098; however, that page only includes a survey of vehicle occupancy rates from other parts of the country and no evidence is presented that any of the locations cited bear any resemblance to the uses or the site of the proposed student center.)

O-59 Response from City staff says:

Reference to other Hillel facilities have been struck from the MND, traffic discussion.

O-59 On the contrary, these references still appear on page 4 of the Initial Study in the the copy attached to the MND Final Report signed by Allison Sherwood on September 23, 2008. A similar sentence appears on Page Two of the TDPM dated September 19, 2008.

There is no documentation to substantiate any conclusions as to student attendance and consequent parking demands at the current proposed project.

Therefore the EIS should be rejected and also the project cannot be assured to have adequate parking and should be denied a Site Development Permit.

II. In response to submissions F-13; G-8; and O-24, the reviewer states:

F-13, While the Hillel facility would not be available to the public for meetings, Hillel has stated that anyone can attend Shabbat.

G-8 . . . Anyone in the community can attend Shabbat services.

O-24 . . . Anyone who wishes to attend a religious service or special event at Hillel may do so.

Assuming this is true, then, since no study has been done to estimate the demand in the community, (or for that matter throughout San Diego County, the reach of Hillel of San Diego) the attendance at Shabbat and occasional special events and consequent parking demand cannot be substantiated. Therefore the EIS should be rejected and also the project cannot be assured to have adequate parking.

III. Submitter F in item noted as F-7 offered an evaluation of the agreement for parking with UCSD.

Staff response was:

UCSD has determined that surplus parking is available during the times of Friday night Shabbat services and occasional special events and the parking is within the required distance from Hillel. Further it is a condition of approval that the off-site parking remain available during these times.

Staff response misstates the agreement with UCSD. The agreement states "*The hours of use permitted in this License shall be each Friday from 5 p.m until 12:00 p.m. for the purpose of Shabbat Services. The hours of use for Special Events shall be subject to the prior designation and approval by Licensor for each requested date and time of use, in accordance with the notice procedures set forth herein. Provided, however, the use of the **Premises will be subject to availability for Special Events occurring before 5 p.m. during UCSD's normal academic or work week.***"

This calls into question whether UCSD parking would be available during any weekday special event. The mitigation allows for substitute off-site parking, but finding 75 spaces close enough even for shuttle use is unlikely.

It should also be noted that the agreement is non-exclusive and revocable. One of the cited appropriate lots, P-608, will be eliminated to construct housing within the next year. The other one P-604 is already being used for supplementary purposes. At the present time patrons of UCSD Art Power Events scheduled at the Mandeville Theater are offered "Happy Parking/Shuttle Program" in lot 604. Such events are scheduled on two Friday nights in January 2009. Substitute UCSD parking lots are apt to be a much longer shuttle ride from the proposed Hillel student center.

Therefore, not only is the EIS inaccurate as to its understanding of the UCSD parking agreement and should be rejected, but the whole off-site parking agreement with UCSD intended to mitigate the parking shortage of the proposed project is of dubious value and a Site Development Permit should not be allowed.

IV. Submitter F in item now coded F-2 says in part

.. The San Diego Superior Court rejected that MND as unlawfully inadequate; the sale, permits, request for an EIR are currently under litigation in court.

F-2 Response from City Staff says:

"The sale of site 653 is not part of the litigation."

This statement is unequivocally and blatantly false. The sale of the land was a part of the original suit. Judge Quinn's order to uphold the sale and whether the sale was tied to CEQA is currently under appeal. The last brief was submitted on October 6, 2008. Oral arguments have not been scheduled, nor has a judgment been handed down by the Court of Appeal. Please consult the City Attorney's office if you wish to see the briefs. The Court Case numbers are: Trial Court Case: GIC867378; Court of Appeal Case: D052084.

Therefore the EIS should be rejected.

v. In several responses, City staff refers to the TDPM plan (B-58-62, 66; H-14; N-87). The TDPM is dated September 19, 2008 and was not available at the deadline (September 3, 2008) for submission of MND comments; the TDPM plan was not distributed to all those who requested a copy of the MND. Therefore, I comment here.

On page 3 of the TDPM document, the existence of the UCSD campus loop shuttle is cited as one of the non-single occupancy vehicle modes of travel to get to the Hillel student center and thus help to "minimize or eliminate potential parking impacts associated with the project."

The footnote states:

1. The shuttle [campus loop shuttle] The shuttle has an existing stop within ¼ mile of the facility and operates on a 10 minute frequency during the hours of 7:00 AM and Midnight, Mondays through Fridays and 9:00 AM to Midnight on weekends.

This misstates the hours and frequency of the shuttle on as shown on the UCSD website:

http://blink.ucsd.edu/Blink/External/Topics/Policy/0,1162,15210,00.html?coming_from=Content. On weekends it travels only counterclockwise, ceases operation at 8:00 PM, and runs every 20 minutes. This would make it unavailable to return to campus from any weekend special event lasting after 8:00 PM, however many they may be. It also misstates the frequency of the shuttle (both clockwise and counterclockwise) Monday to Friday. This varies from every 10 to every 20 minutes.

Therefore the EIS should be rejected and also the project cannot be assured to have adequate parking and should not be granted a Site Development Permit.

VI. Submitter B in B-49 states in part:

Parking which the MND declares mitigated in a satisfactory manner is a major example of the MND not concerning itself with a significant environmental effect on the surrounding neighborhood. **The Initial Study is inadequate with**

respect to parking in that it does not evaluate the environmental effect on the neighborhood of the loss of many unrestricted public parking spaces which cannot be replaced. It does not concern itself with the loss of 12 out of 20 unrestricted parking spaces on the north side of LJSD, (Drawing 0.0 under the Parking Calculation heading). . . .loss of 2 or 3 of the 6 or 7 unrestricted parking spaces on LJSW.

City staff states:

There is no evidence that the loss of the on-street parking spaces "would push campus impact parking further into the neighborhood." [It is not clear where this quote comes from.] . . . project is not deficient by 10% or more . .

This is patently false and has nothing to do with the parking demand created by Hillel. It has to do with the fact that 15 spaces would be lost as a result of the Project with the Right of Way Vacation. At present, these 15 spaces are all occupied from dawn to dusk almost every weekday of the year, even during the summer. As evidence one might look at the photograph taken on November 7, 2007 and contained in the Archaeology Report. (Plate 3.0-2) All the spaces where cars are parked at the left of the picture would be removed by the project. At present adjacent streets have two-hour parking limits. On Nottingham Place, beginning at the high end of of the 8700 block where unlimited parking is allowed, all day parking has begun to occur, perhaps six or so cars on a daily basis. If the project eliminated 15 spaces, this block and the 8600 block would be the closest to the eliminated spots. At two spaces per house, even on both sides of the street, all day parking would begin to extend much further into the neighborhood. This would be a significant effect as residents would be likely to request a two-hour limit here.

Also since the project is being required to get off-site parking spaces in number equal to and greater than the number provided on-site, the project is more than 10% deficient in parking.

Therefore the EIS should be rejected. The Right-of-Way Vacation and Project build out will adversely affect the community and violates the conditions for the ROW vacation and Site Development Permit.

VII. Submitter B in Item noted at B-19 made the following comment:

In the **Archaeological Resources** section, the supporting report "A Cultural Resources Study for the Hillel of San Diego La Jolla Project" (§3.0 Setting, 3.2.2 including, *History of the La Jolla Area*) was apparently prepared for another project (Klemm residence, p. 3.0-7) and refers to "La Jolla Vista Tract" and "La Jolla Vista subdivision." It calls out the La Jolla Beach and Tennis Club as being north of the project site and the Spindrift Inn being northwest of the subject property. These directions would be correct for the Klemm residence (1732 Castellana Rd, La Jolla Community Planning Association Agenda, Feb. 7, 2008), but not the current project. 8976 Cliffridge Avenue is in the La Jolla Highlands subdivision, Map 3528 and Site 653 was still listed as a portion of Pueblo Lot 1299. The significance of this error cannot be determined by me, but it underlines the lack of care that was taken in making this report.

The City reviewer stated:

There is a typographical error in the study. The statement on page 3.0-7 under the heading "History of the La Jolla area" should read "A limited research effort was initiated in order to characterize the circumstances of the early development of La Jolla so that current project could be placed in context with the surrounding community."

To put the conclusion first. The supporting Archaeological Report makes an error in location of the project and therefore the report is in error in this and possibly in the statement that there are no sites in the Sacred Lands file within one mile of the project. ***Therefore the EIS should be rejected and should be returned for restudy and possible mitigation of the Sacred Lands issue.***

Reasoning: This is flat out not a typographical error. The error in location/project is confirmed throughout the report. Page 3.0-9 "... The "La Jolla Vista" subdivision of 1923, the location of the current project, was one of these subdivisions. (San Diego County Engineering Map Records)

"The earliest notable development in this area was the construction of the Spindrift Inn northwest of the subject property in the 1920s. Also at this time the initial development of the La Jolla Beach and Tennis Club (originally the La Jolla Beach and Yacht Club) took place to the north of the subject parcel. ... The La Jolla Vista subdivision, on the other hand, was slow in building to capacity, possibly due to the real estate bust of 1925-26.(Brandes et.al. 1999)"

Cited as one reference for the study is: Brandes et al. "Historical and Architectural Report for 1905 Spindrift Drive, La Jolla, CA" which is on file with the Department of Developmental Services.

According to the Draft MND dated March 14, 2008, Project No. 136325: A Coastal Development Permit for the Klemm Residence at 1723 Castellana Road Initial Study, "A cultural resources survey and report entitled "A Cultural Resources Study for the Klemm Residence Project", was conducted by Brian Smith and Associates on November 29, 2007 to evaluate the potential for finding archaeological resources. The study included research as well as site reconnaissance. The research for the Klemm residence included a records search for other sites in the area, and a Sacred Lands File search from the Native American Heritage Commission." This may be found at the following website:

http://docs.sandiego.gov/citybulletin_publicnotices/CEQA/PN1300%2523136325%2520Draft%2520MND.pdf

I have not seen the original report from Brian Smith and Associated for the Klemm Residence.

The same firm Brian Smith and Associates submitted a revised report for Project 149437 dated January 16, 2008. The site search seems to have been done on November 7, 2007. The Hillel report also states that the search of the Sacred Lands file was done on November 15, 2008.

This indicates that the basic research for both reports was done in the same month. The Klemm report does not indicate the date of the Sacred Lands Search.

This becomes significant in the context of Comment No. I-1, wherein City staff states that "The search failed to indicate the present of any sits listed on the Sacred Lands file within a one-mile

radius of the project.” Material related to this search is contained in appendix which is marked confidential and has been deleted for public review.

However, Professor Moore has cited a reference which is found at the following website:
<http://www.kumeyaay.com/2008/03/ucsd-drops-bid-to-raze-chancellors-house>

“UCSD drops bid to raze chancellor’s house

Mansion sits on Indian burial ground, is on historic registry

By Tanya Sierra, STAFF WRITER
March 18, 2008”

This article includes the following sentence: *“Opponents of the demolition managed to get the home placed on the National Register of Historic Places and on a list of sacred Indian burial sites, making it more difficult for the university to bulldoze the house.”*

The Chancellor’s house is located less than one mile from Site 653 and therefore should have shown up on a search of the Sacred Lands file that was done at the proper location.

The Archaeological Report makes an error in location of the project and therefore the report is in error in this and possibly in the statement that there are no sites in the Sacred Lands file within one mile of the project. *Therefore the EIS should be rejected and should be returned for restudy and possible mitigation of the Sacred Lands issue.*

From: Maland, Elizabeth
Sent: Friday, November 28, 2008 8:32 AM
To: Biagi, George; Stone, Bonnie; Proa, Sandy
Subject: FW: Hillel ROW item

Attachments: Hillel hearing 12=2008.doc



Hillel hearing
12=2008.doc (23...

Fyi - please handle.

Thx.
Liz

-----Original Message-----

From: iantrowbridge <chris70@cox.net>
Sent: Thursday, November 27, 2008 9:14 PM
To: Maland, Elizabeth <EMaland@sanidiego.gov>
Subject: Hillel ROW item

Dear City Clerk:

I am writing to ask the City Council to avoid violations of the Brown Act by returning the Hillel Right of Way Item to the Development Services Department on December 2nd.

If the item is continued on December 2nd to December 5th that will trigger the violations of the Brown Act as described in the attached letter.

Ian Trowbridge

Dear City Clerk:

RECEIVED
CITY CLERK'S OFFICE

08 NOV 28 AM 10:17

It has been brought to my attention that Development Services, SAN DIEGO, CALIF. posted a Public Notice on November 19, 2008 of a Public Right of Way Hearing on Public-Right-of-Way Vacation for the Hillel of San Diego Student Center. The hearing was originally noticed by Development Services for December 2, 2008 at 10 .00 AM in Council Chambers 12th Floor, City Administrative Building. Indeed, the city council meeting agenda for December 2, 2008 confirms that the Hillel matter will be heard then (ITEM- 343).

Subsequently, on November 21, 2008 a Revised Notice was published that contained to statement that " It is anticipated that this item will be continued until Friday, December 5, 2008". The revised notice was almost certainly posted after the Agenda for the December 2, 2008 meeting had been distributed to the city council and members of the public receiving mailed copies.

As you know the purpose the Ralph M. Brown Act (Gov. Code, § 549501 et seq.) "...is to facilitate public participation in local government decisions." The Development Services' Notices reveal at least two underlying violations of the Ralph M. Brown Act.

First, an item must be docketed to allow public participation at one specific time and place. The Development Services Notices that public testimony of the Hillel item may be taken at one of two different council meetings (just 3 days apart) have the effect of reducing public participation in this local government decision by confusing the public about when the hearing will be held and making, without justification, unreasonable and unnecessary demands on their time. Although not specifically addressed in Section 54954 et seq., the action by Development Services violates the intent of the Brown Act.

Further, what is to prevent Development Services from issuing as many revised notices of hearings as they wish to utterly confound a public that wishes to testify against the staff recommendation?

Second, Development Services state in the revised notice that "It is anticipated that this item will be continued to Friday, December 5, 2008" A continuation of an Item requires a majority vote of the City Council and so the anticipation of a specific outcome for this item by Development Services implies a knowledge of how council members will vote. Development Services do not explain why they anticipate a continuation. By far the most probable explanation is that city council members engaged in serial meetings and decided to continue the Hillel item, a violation of Section 54952.2 of the Brown Act. This decision was then transmitted to Development Services

I request that the Council President and/or city council cure these violations of the Brown Act by returning this item back to Development Services redocketing this item for a later meeting.

Sincerely,

Ian Trowbridge

343
12/2RECEIVED
CITY CLERK'S OFFICE
08 NOV 28 PM 12:15
SAN DIEGO, CALIF.

VIA FACSIMILE

Date: November 27, 2008

To: Councilmembers Ms. Atkins, Mr. Faulconer, Ms. Frye, Mr. Hueso, Mr. Madaffer,
Mr. Maienschein, Mr. Peters and Mr. YoungRe: City Council Hearing December 2, 2008
Docket Item-343
Hillel of San Diego Student Center, Project No. 149437

Councilmembers:

The highest regard for the Hillel student organization does not mitigate essential facts.
The item before you today is a fundamental **land use matter** concerning public land.

Council's role in advancing this controversial land use project on the property known as
Site 653 is well documented throughout its nearly ten year history.

*Council's imposition of a plethora of unenforceable "conditions" is testament that the
proposed collage student / institutional use on Site 653 is not a compatible use, nor is it in
compliance with the specified regulations ("primarily for religious purposes") for uses
within the single-family residential zoned neighborhood.*

Experience has shown that the burden of policing violations would fall to the residents.
Ongoing code violations already exist at 8976 Cliffridge Avenue, a single-family home
which Hillel converted for use as their administrative offices years ago, and which is
incorporated as part of their current project. To date, both Code Compliance and public
officials have failed to enforce the regulations regarding this use and have instead
allowed the use to continue without penalty.

Council sets a dangerous precedent by granting entitlement without regard for land use
regulations.

The rules are clear. They apply to everyone. Hillel's current project seeks numerous
deviations from the rules. Hillel's project is not the right project for Site 653.

Vote to deny Project No. 149437.

C.M. Schneider

cc: City Clerk
City Attorney
Mayor Sanders

12/2
343

From: CLK City Clerk
Sent: Friday, November 28, 2008 7:55 AM
To: Atkins, Councilmember; Faucett, Aimee; Faulconer, Council Member Kevin; Frye, Donna; Hueso, Councilmember Ben; Lujan, Magdalena; Madaffer, Councilmember Jim; Maienschein, Councilmember; Peters, Councilmember Scott; Pickens, Sonia; Soria, Patricia; Vetter, Gary; Yepiz, Lauren; Young, Anthony
Subject: FW: Confusion re: date of Hillel of San Diego hearing, Project #149437

-----Original Message-----

From: Attiyeh [mailto:rea@ucsd.edu]
Sent: Wednesday, November 26, 2008 1:36 PM
To: CLK City Clerk; SDAT City Attorney; Biagi, George; Peters, Councilmember Scott; Maienschein, Councilmember; Madaffer, Councilmember Jim; Young, Anthony; Atkins, Councilmember; Frye, Donna; Hueso, Councilmember Ben; Faulconer, Council Member Kevin
Subject: Confusion re: date of Hillel of San Diego hearing, Project #149437

To all it may concern:

I want to express my dismay at the flip-flops in docketing and posting for the City Council hearing of Project #149437, re Hillel of San Diego's Student Center and the Right of Way issues that project includes.

This Project really matters to our neighbors. Confusion reigns as they try to figure out what date they should appear and at what time they should be prepared to speak. They don't know what information is the most current, or what information will be a firm commitment. For some people there is child care to arrange, for others medical and business and other appointments to cancel or rearrange, for others school classrooms for which to request substitutes --- and so on.

In addition, here we are in the week of a National Holiday and a long weekend break from work and home. Many have already left the area or are now en route to places away from town and even away from California. Reaching them to advise them of all the changes so they can adjust travel plans has been well nigh impossible; changing flight plans and family plans may also be impossible at this juncture.

I have read the municipal code and State regulations that say that there must be a 14-calendar-day period of time between posting of notices and date and time of the hearing. This would provide ample opportunity for interested and concerned parties to plan their statements and to make necessary arrangements so that they can appear in person.

Given what seems to be a mangling of the legal rule and process in this case, I strongly urge you to strike the hearing from both the December 2 and December 5 dockets and to reschedule it for a later date with clear and consistent posting according to the relevant law.

It would do much to reassure our constituency that the Council ensures due process for everyone.

Thank you.

Jessica Falikman Attiyeh
8961 Nottingham Place
La Jolla, CA, 92037
rea@ucsd.edu
858-699-3269

From: McNair, Rae on behalf of CLK City Clerk
Sent: Monday, December 01, 2008 8:10 AM
To: Atkins, Councilmember; Faucett, Aimee; Faulconer, Council Member Kevin; Frye, Donna; Hueso, Councilmember Ben; Lujan, Magdalena; Madaffer, Councilmember Jim; Maienschein, Councilmember; Peters, Councilmember Scott; Pickens, Sonia; Soria, Patricia; Vetter, Gary; Yepiz, Lauren; Young, Anthony
Subject: FW: Improper Noticing for Hillel Student Center
Attachments: PB192825.JPG; PB202831.JPG



PB192825.JPG (70 KB)



PB202831.JPG (70 KB)

-----Original Message-----

From: Helen Boyden [mailto:hboyden@san.rr.com]
Sent: Sunday, November 30, 2008 6:47 PM
To: CLK City Clerk; SDAT City Attorney; Peters, Councilmember Scott; Maienschein, Councilmember; Faulconer, Council Member Kevin; Frye, Donna; Atkins, Councilmember; Young, Anthony; Hueso, Ben; Madaffer, Councilmember Jim
Subject: Improper Noticing for Hillel Student Center

To San Diego City Council members and for the Public Record

I request the withdrawal of Project 149437-Hillel Student Center, docketed for a Public Hearing before the City Council in the 2:00 PM session of December 2 because of a failure to post a timely notice, according to State Law, on the Right-of-Way proposed to be vacated. I request that that the project be returned to the Development Services Department for proper noticing and redocketing at a future date.

This notice should have been dated and posted on Tuesday November 18, two weeks before December 2. Late Tuesday afternoon, the only notice posted was that for the Planning Commission hearing originally scheduled for October 16. As of Wednesday, November 19 around 9:15 AM, the October 16 hearing notice was still posted. (see attached photo with Wednesday newspaper). A notice for the December 2 hearing, dated November 19 (one day late) was photographed with the Thursday, November 20 newspaper, showing the December 2 hearing. Additional photos with more detail are available.

The substitution of a notice suggesting that the Right of Way hearing was anticipated to be continued to December 5 has caused great confusion in the community. If the Council has already been polled on this subject, this would constitute a violation of the Brown Act, as I understand it.

Another reason to withdraw the project from the docket is the as yet unresolved Court Case regarding the MND for Project 6098 and the sale of Site 653, currently under the jurisdiction of the Court of Appeal.

The case has been fully briefed, but has not yet been scheduled for oral arguments. The result of this lawsuit, which may well invalidate the sale of site 653, may affect both the permits under court review and the ones proposed here. Why has the City allowed this Project to go forward while the litigation is still pending?

I ask that you respect the interest of the community in this project and withdraw it from the December 2 docket.

Yours truly,


Helen Boyden
8525 Nottingham Place
La Jolla, CA 92037

[illegible]


The Sun Times

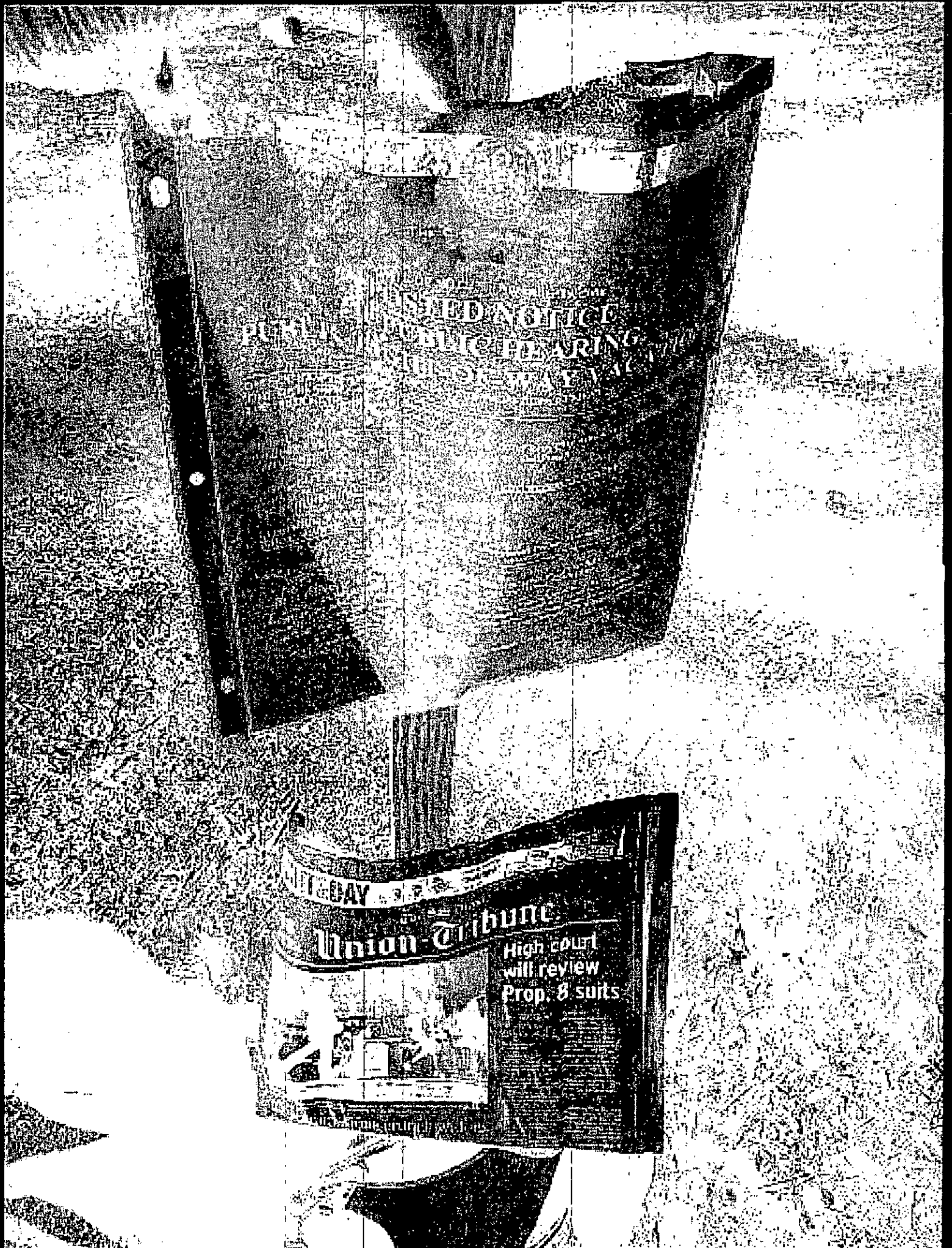
Union-Tribune

Big 3 automakers beg Congress for bailout



Guilty verdict in surfer death





NOTICE
PUBLIC HEARING
OF THE
JUDICIAL COUNCIL
ON MAY 14

THURSDAY
Union-Tribune
High court
will review
Prop. 8 suits

12/2

343

From: McNair, Rae on behalf of CLK City Clerk
Sent: Monday, December 01, 2008 8:17 AM
To: Atkins, Councilmember; Faucett, Aimee; Faulconer, Council Member Kevin; Frye, Donna; Hueso, Councilmember Ben; Lujan, Magdalena; Madaffer, Councilmember Jim; Maienschein, Councilmember; Peters, Councilmember Scott; Pickens, Sonia; Soria, Patricia; Vetter, Gary; Yepiz, Lauren; Young, Anthony
Subject: FW: Hillel

From: judy shufro [mailto:JSHUFRO@san.rr.com]
Sent: Friday, November 28, 2008 10:41 AM
To: CLK City Clerk; michael aguirre; Peters, Councilmember Scott; Faulconer, Council Member Kevin; Atkins, Councilmember; Young, Anthony; Maienschein, Councilmember; Frye, Donna; Madaffer, Councilmember Jim; Hueso, Councilmember Ben; Linda Colley
Cc: john falk; javier movellan; Janine Cohen; brian archibald; peter friedman; devra nelson
Subject: Hillel

How many times do you have to hear the word NO? No Hillel, no parking.
Scott, when you spoke and announced was it 25 conditions to the Hillel project I thought you must be kidding. Twenty-five? That signaled 25 red flags. Reasons enough to deny the project. You had me at three. Give us a break. Go away. And take the project with you. Hillel's adapted plan, 99 % the same speaks for itself. Thank you Donna Frye.
With diminishing respect,
Judith Shufro

for my websites, click below:
<http://www.judithshufro.com/>
<http://members.tripod.com/~jushu/index.html>

Item no 343 - 12/2/08

WORLEY SCHWARTZ GARFIELD & PRAIRIE

A LIMITED LIABILITY PARTNERSHIP

LAWYERS

401 "B" STREET, SUITE 2400
SAN DIEGO, CALIFORNIA 92101-4200

TELEPHONE: (619) 696-3500
FACSIMILE: (619) 696-3555
WEBSITE: WWW.WSGPLAW.COM

PARTNERS:

TIMOTHY K. GARFIELD
LYNNE L. HEIDEL
LAUREL LEE HYDE
ROBIN M. MUNRO
MICHAEL W. PRAIRIE
WILLIAM J. SCHWARTZ, JR.
KEVIN P. SULLIVAN
WALTER A. TAYLOR
SUSAN D. WHITE

ASSOCIATES:

GINA M. AUSTIN
NATHAN L. J. SLEIGERS

DONALD R. WORLEY (RET.)

WRITER'S E-MAIL:
LHEIDEL@WSGPLAW.COM

WRITER'S EXT. 161

November 26, 2008

President Scott Peters and Members of City Council
City of San Diego
202 C Street
San Diego, CA 92101

Re: Hillel: Project No. 143479; Hearing Date December 2, 2008

Dear President Peters and Members of the City Council:

We represent Hillel of San Diego ("Hillel"), a nonprofit religious corporation, with respect to its application to construct a religious student center ("Hillel") adjacent to the UCSD Campus in La Jolla. The application includes a request to develop a vacant triangular shaped parcel of land bounded by La Jolla Scenic Drive, La Jolla Scenic Way and La Jolla Village Drive immediately south and east of the UCSD campus. In addition Hillel seeks approval for the continued temporary use of property located at 8976 Cliffridge Avenue for religious offices during construction of the Hillel. The Cliffridge Avenue property will revert to residential use when the new Hillel is completed. The two sites are identified on the aerial site plan located behind **Tab 1**.

Pursuant to the La Jolla Shores Planned District Ordinance ("PDO"), the underlying zoning, religious facilities are permitted by right on both sites. While the use itself is permitted, the proposed development requires approval of a Site Development Permit, a Street Vacation, and an Easement Dedication. The project is being processed pursuant to Process 5, and therefore requires City Council approval.

Hillel has worked with the City several years to resolve design, parking and land use issues related to the proposed development. In May 2006 the City Council approved a similar project, but opponents challenged that decision in Superior Court. The Court determined that there were minor flaws in the Mitigated Negative Declaration ("MND") certified by the City Council. In response to this Court decision, Hillel submitted a new application to the City for a revised project and performed additional traffic and biology studies consistent with the direction of the Court. All technical studies were updated, and City staff prepared a new MND based upon these updated and new studies.

The project differs from the original application in that it includes photovoltaic panels on the roof, all 68 required parking spaces are located in the subterranean garage, and all the

October 9, 2008

Page 2

conditions added to the project by the City Council in 2006 are incorporated into the application. With those modifications to the original application, the staff is once again recommending approval. Staff, in consultation with the City Attorney, is also recommending rescission of the site development permit and related land use decisions prior to approval of the application before you. We urge you to follow the staff recommendation.

I.

THE PROPOSED DEVELOPMENT AS CONDITIONED WILL ALLOW HILLEL TO PURSUE ITS RELIGIOUS MISSION AND AVOID IMPACTS ON THE ADJACENT RESIDENTIAL NEIGHBORHOOD.

Hillel's mission is "to be a vibrant Jewish presence and to involve the maximum number of university-age Jews in ways that foster a lasting commitment to Jewish life." Hillel currently serves the Jewish student population at UCSD from its temporary facility located at 8976 Cliffridge Avenue. The new facility will be a permanent home for Hillel where the Jewish student population at UCSD can gather to attend religious services and participate in activities of Jewish life on the community and international level. Despite the clear religious mission of Hillel, a question was raised at the Planning Commission hearing as to whether Hillel is a religious use allowed by right in the zone. Attached behind **Tab 2** are the Articles of Incorporation for Hillel and a description of the religious mission of Hillel.

The Hillel project consists of two phases as shown on the Site Plan located behind **Tab 3**:

1. Continued use of an existing single family dwelling located at 8976 Cliffridge Avenue for temporary religious offices with six (6) off-street parking spaces ("Phase 1");
2. Construction of a single-story, 12,100 square foot religious center over a 68-space subterranean parking garage. The balance of the property will be landscaped with drought tolerant and native plantings ("Phase 2").

Pursuant to a resolution adopted by the San Diego City Council approving the updated La Jolla Community Plan, Hillel will provide no less than 10,000 square feet of landscaped area as part of the project. Hillel's proposed project includes approximately twice as much landscaped area including a grove of specimen Torrey Pines, improved pedestrian access and a bicycle path connecting Torrey Pines Road to La Jolla Scenic Drive. The low profile, single-story building will be compatible with nearby residential development. Copies of building Elevations and a Site Section showing the relationship between the Center and an existing single family house across the street are located behind **Tab 4**. It is clear from the elevations and the section that the height of the Hillel is consistent with a residential neighborhood. Most of the building is less than 22 feet in height, well below the 30 foot height limit.

October 9, 2008

Page 3

The property rises from La Jolla Village Drive to a plateau across the street from the UCSD campus. It is currently vacant and devoid of landscaping. The proposed landscaping will not only improve the property itself, but will greatly enhance the neighborhood buffering the residences to the south from the busy La Jolla Village Drive/ Torrey Pines Road Intersection and creating close to a half acre of landscaped area. The entrance to Hillel will face La Jolla Village Drive rather than the adjacent residential street. The entrance to the underground parking garage is located off La Jolla Scenic Way relatively close to La Jolla Village Drive. Therefore, students arriving on foot or by car will not need to enter into the surrounding residential neighborhoods. All of these features were carefully designed with the neighbors in mind in order to minimize the project impacts on them.

Because the proposed use is permitted by right, a conditional use permit is not required or even allowed. However, as conditioned, the Site Development Permit will serve a similar purpose to a Conditional Use Permit. Conditions to the Site Development Permit limit occupancy, hours of operation, parking, noise, and alcohol use among other aspects of the use. In order to assure compliance, Hillel will maintain an account of \$20,000 with the City to pay for any enforcement actions. Furthermore, the Site Development Permit has been conditioned to create a Neighborhood Advisory Committee to assure communication with the neighbors. Hillel is confident that their students will be good neighbors, but in the event that traffic or noise concerns of the neighbors cause conflict, there will be open communication via the Neighborhood Advisory Committee.

II.

HILLEL'S USE OF THE PROPERTY IS CONSISTENT WITH THE COMMUNITY PLAN AND THE PDO.

The Hillel property is designated in the La Jolla Community Plan for low density residential use and is zoned SF zoning in the La Jolla Community Plan. No properties in the Community Plan are designated for religious use, but churches, temples or permanent buildings used primarily for religious purposes are permitted by right in the SF zone. Because the zone implements the Community Plan, uses permitted in a particular zone are by definition consistent with the Community Plan. Therefore, Hillel's proposed use is consistent with the La Jolla Community Plan and the PDO. The Site Development Permit is a design permit, not a use permit. As discussed above, Hillel has designed its student center to not only meet its needs to serve Jewish students at UCSD, but to create a development that will be compatible with the surrounding neighborhood.

In order to achieve the design goals mentioned above, Hillel is requesting that the City vacate a portion of La Jolla Scenic Drive North. Hillel already purchased the right-of-way from the City when it acquired the parcel formerly known as Site 653. The excess right-of-way will

October 9, 2008

Page 4

be incorporated into the site to enhance the landscaping and create a visual amenity for the neighborhood.

The PDO requires design approval through the vehicle of a Site Development Permit. Minor deviations related to driveway configurations for both Phases 1 and 2 are allowed through the sustainable expedite program. These deviations reduce the driveway widths which benefit the neighborhood in general and have no detrimental impact on the project or the function of the public rights-of-way. These minor deviations allow Hillel to maximize the landscaped area make the project compatible with the surrounding residential neighborhood.

In its previous application approved by the City Council in 2006, Hillel had requested a deviation from the required number of on site parking spaces. With this application all 68 required spaces are provided on site through the addition of a lift system. Given the proximity of the property to the campus, and based on studies of other Hillel Centers around the country, it is not anticipated that students will drive to the site, but in deference to the concerns of the neighbors, Hillel agreed to incorporate the lift system and to implementation of a Transportation Demand and Parking Plan.

III.

FINDINGS CAN BE MADE TO SUPPORT THE APPROVALS.

Site Development Permit

The PDO requires a La Jolla Shores Development Permit, processed as a Site Development Permit, for Hillel's project. Findings for a Site Development Permit can be made as follows:

1. *The proposed development will not adversely affect the applicable land use plan.* The site is designated in the La Jolla Community Plan for low density residential use. Consistent with that designation, the property is zoned for single-family (SF) use in the PDO. Churches, temples and permanent buildings used primarily for religious purposes are permitted in the SF zone. Opponents claim that the Hillel project is extending the UCSD campus into their neighborhood. But the campus is already a vital part of the La Jolla Shores community. UCSD currently owns vacant land directly west of the Hillel property which is earmarked for future expansion of the university. Therefore, Hillel's development is consistent with the land use plan and zoning. The design of the building is residential in character, and the landscaping far exceeds that which could be expected of a residential project.

October 9, 2008

Page 5

2. *The proposed development will not be detrimental to the public health, safety and welfare.* Hillel is developing this vacant, surplus remnant property and transforming it into a park-like amenity for its students and the community. Approximately 24,000 square feet of the site will be lushly landscaped with a meandering public pedestrian and bicycle path. Furthermore, the design of the Hillel Center will fit into the neighborhood. The bulk and scale as well as the height and setbacks are entirely consistent with the residential neighborhood to the south of the site. Numerous conditions have been imposed on the development permit to ensure design compatibility with the surrounding neighborhood. The site is currently provides no buffer between the busy La Jolla Village Drive/Torrey Pines Road intersection and the residential neighborhood. Once the site is developed and landscaped, the site will actually enhance the neighborhood from a visual perspective. Entrance to the building will face La Jolla Village Drive, not the neighboring residences. The entire orientation of the building will be toward La Jolla Village Drive with the entrance to the underground parking off La Jolla Scenic Way. For those reasons, the Hillel Center will be a visual amenity for the neighborhood and will in addition discourage an influx of students into the neighborhood.
3. *The proposed development will comply with the applicable regulations of the Land Development Code.* The project conforms to all the PDO regulations with respect to setbacks, lot coverage, height and landscaping. Minimal deviations from regulations related to driveway width are allowed through the sustainable expedite process. The minor reductions in driveway widths allow more area for landscaping which enhance the neighborhood. Numerous conditions are imposed on this development to ensure compliance with the regulations. As designed and conditioned, the project complies with the applicable Land Development Code regulations.

Street Vacation

The proposed vacation of a portion of La Jolla Scenic Drive North enables Hillel to provide the maximum amount of landscaped area. The findings to approve the requested street vacation can be made as follows:

1. *There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.* The property was originally acquired by the City for the purpose extending La Jolla Scenic Drive to connect La Jolla Scenic Drive to La Jolla Village Drive. When that purpose was abandoned, it left the property as a remnant parcel. Incorporating unimproved right-of-way into the project will allow

October 9, 2008

Page 6

Hillel to transform the unused right-of-way into a landscaped amenity with pedestrian walkways and a bicycle path.

2. *The public will benefit from the action through improved use of the land made available by the vacation.* As explained, the vacated land will be incorporated into Hillel's development, landscaped and maintained by Hillel and made available for public use.
3. *The vacation does not adversely affect any applicable land use plan.* The proposed project is consistent with the La Jolla Community Plan and the PDO. All plans to improve this portion of right-of-way and connect it to the street system have been long abandoned.
4. *The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.* Once again, all plans to connect this portion of La Jolla Scenic Drive to La Jolla Village Drive were abandoned. The land from the proposed street vacation will maximize the landscaped amenity of the Hillel project.

IV.

HILLEL'S PROJECT IS CONSISTENT WITH THE COMMUNITY PLAN AND ZONING AND WILL PROVIDE SIGNIFICANT PUBLIC BENEFITS.

Hillel's development serves the community by providing a religious center for Jewish UCSD students. Furthermore, the design, landscaping and public access are significant public benefits.

We urge you to approve the project.

Very truly yours,


Lynne L. Heidel

LLH

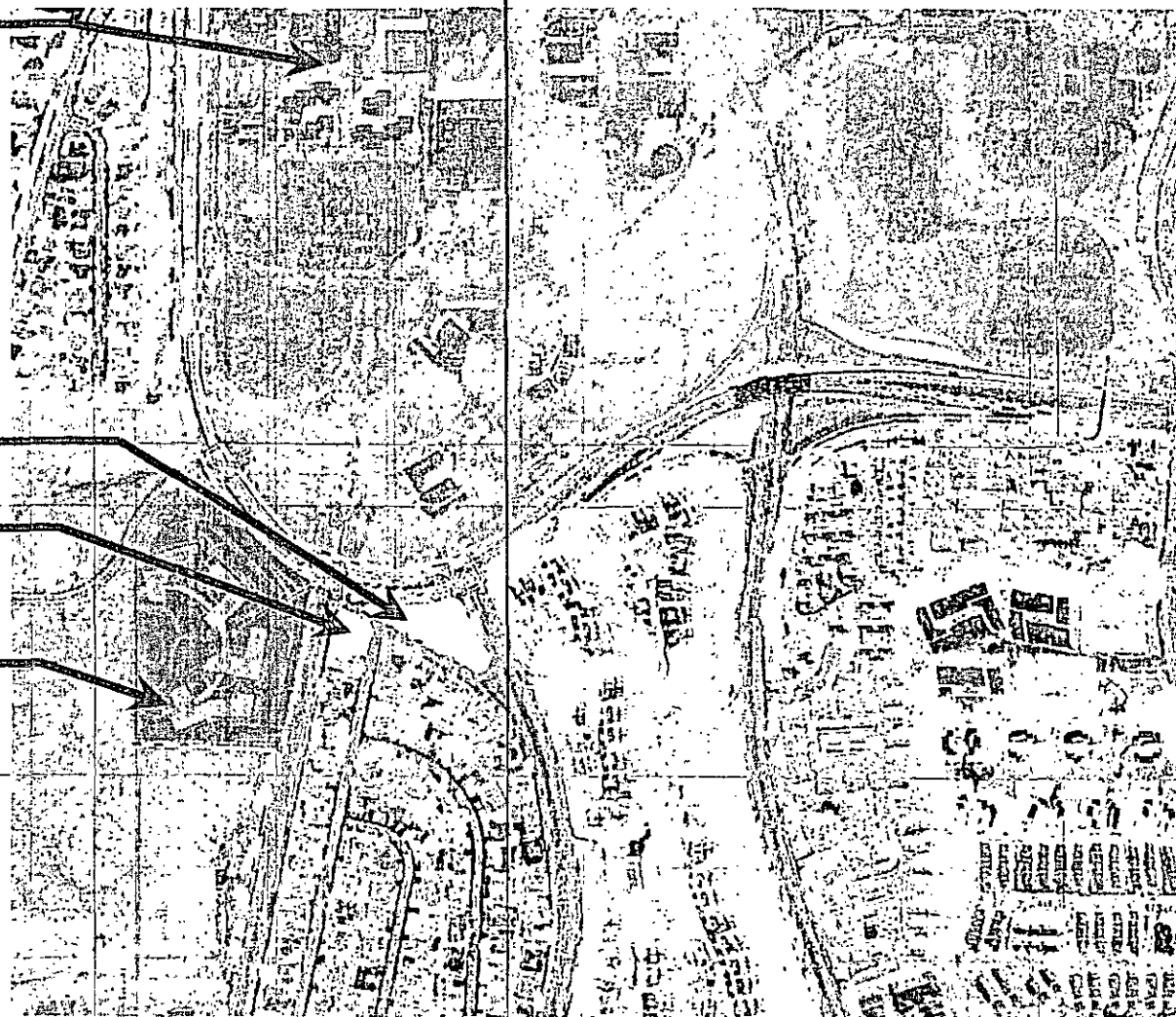
Existing U.C.S.D.
Campus

Project Site:

Site 653 (Phase II)

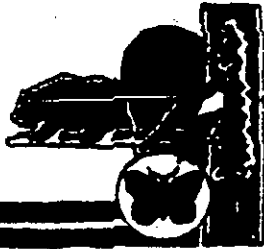
8976 Cliffridge
Ave. (Phase I)

Scripps Oceanography
expansion



Aerial Site Plan





State
of
California

OFFICE OF THE SECRETARY OF STATE

CORPORATION DIVISION

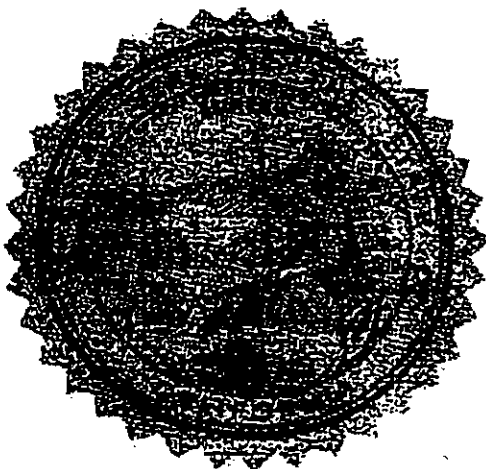
1808924

I, MARCH FONG EU, Secretary of State of the State of California, hereby certify:

That the annexed transcript has been compared with the corporate record on file in this office, of which it purports to be a copy, and that same is full, true and correct.

IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this

JUL - 1 1997



March Fong Eu

Secretary of State

ARTICLES OF INCORPORATION

I

The name of the corporation is JEWISH CAMPUS HILLEL CENTERS OF SAN DIEGO.

II

- A. This corporation is a religious corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Religious Corporation Law exclusively for religious purposes.
- B. The specific purpose of this corporation is to provide for the religious needs of Jewish students on the university campuses in San Diego County.

III

The name and address in the State of California of this corporation's initial agent for service of process is:

Rabbi Jay N. Miller, Area Director
Jewish Campus Hillel Centers of San Diego
5742 Montezuma Road
San Diego California 92115

IV

- A. This corporation is organized and operated exclusively for the religious purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.
- B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

V

The property of this corporation is irrevocably dedicated to religious purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer, or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision of payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, or corporation which is organized and operated exclusively for religious purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

1808924

ENDORSED
FILED

in the office of the Secretary of State
of the State of California

JUL - 1 1992

MARCH FONG EU, Secretary of State


Rabbi Jay N. Miller
Area Director

A484616

State of California

SECRETARY OF STATE

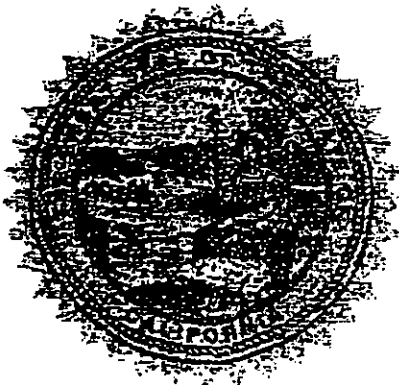
CORPORATION DIVISION

I, *BILL JONES*, Secretary of State of the State of California,
hereby certify:

That the annexed transcript has been compared with
the corporate record on file in this office, of which it
purports to be a copy, and that same is full, true and
correct.

IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this

DEC 6 1996



Bill Jones

Secretary of State

A484616

**CERTIFICATE OF AMENDMENT
OF
ARTICLES OF INCORPORATION**

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

NOV 20 1988

BILL JONES, Secretary of State

The undersigned certify that:

1. They are the President and Treasurer, respectively of Jewish Campus Hillel Centers of San Diego, a California corporation.
2. Article I of the Articles of Incorporation of this corporation is amended to read as follows: The name of this corporation shall be:

HILLEL OF SAN DIEGO

3. The foregoing amendment of Articles of Incorporation has been duly approved by the Board of Directors.
4. The foregoing amendment of Articles of Incorporation has been duly approved by the required vote of the members.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

Date: 11/14/96


Steven D. Solomon, President


Mark Gordon, Treasurer

Corporation #1808924

HILLEL OF SAN DIEGO

Hillel of San Diego ("Hillel") was incorporated in the State of California on July 1, 1992 "exclusively for religious purposes" under the Nonprofit Religious Corporation Law. In its Articles of Incorporation (copy attached), Hillel's specific purpose "...is to provide for the religious needs of Jewish students on the university campuses in San Diego County" (emphasis added) and Hillel is "...organized and operated exclusively for the religious purposes within the meaning of Section 501 (c) (3) of the Internal Revenue Code."

Hillel is a beneficiary agency of the United Jewish Federation of San Diego County and is an accredited member of Hillel: The Foundation for Jewish Campus Life, its international organization.

Hillel's mission statement provides that Hillel is:

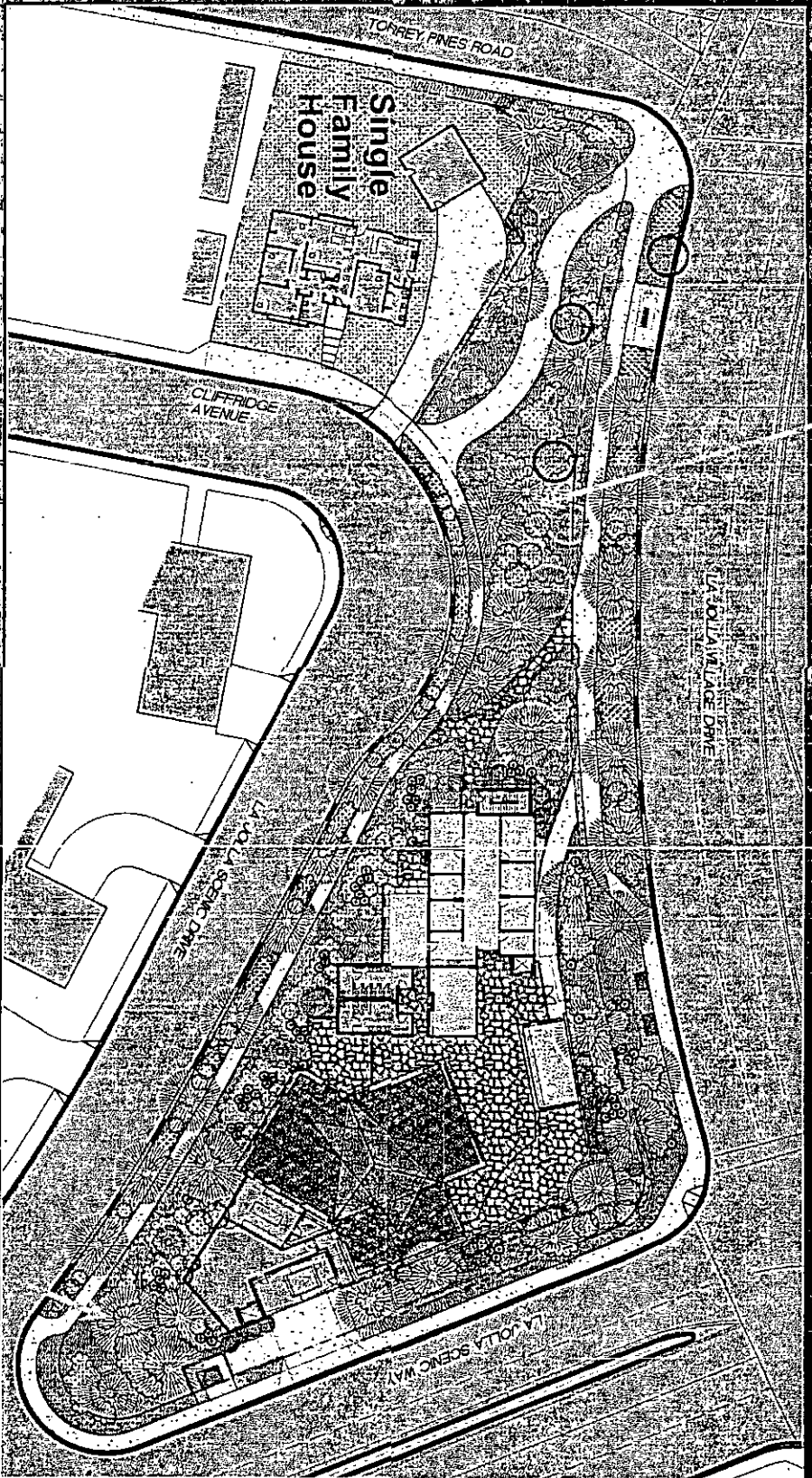
"To be a vibrant Jewish campus presence and to involve the maximum number of university-age Jews in ways that foster a lasting commitment to Jewish life."

Hillel works to accomplish its mission statement by providing: weekly Sabbath services and Jewish holiday services during the school year; classes on Jewish religion, including Bible, Talmud, ethics and holidays; adult Bar and Bat Mitzvah training; pastoral and spiritual counseling for Jewish students; and instruction for students who wish to convert to Judaism.

Hillel's Executive Director is an ordained Rabbi, entitled to parsonage.

On the UCSD campus, Hillel is currently housed in the "Office of Religious Affairs," and because it is a religious organization, is precluded by the University from having its own facility on campus.

Grove of torrey pines

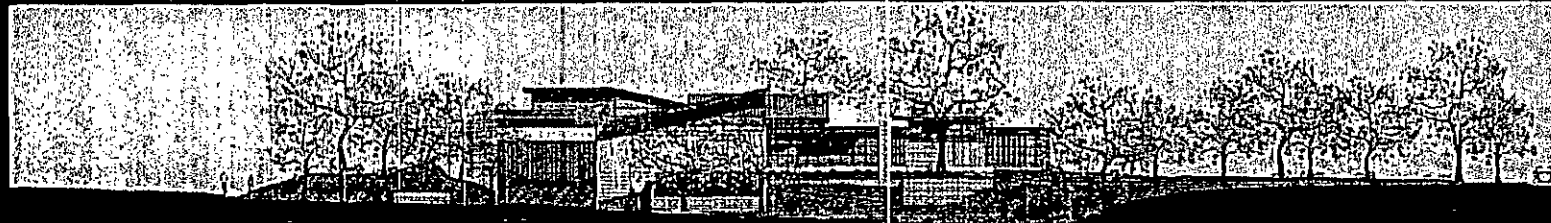


Proposed Site Plan

Site 653 Transformation

Native plantings

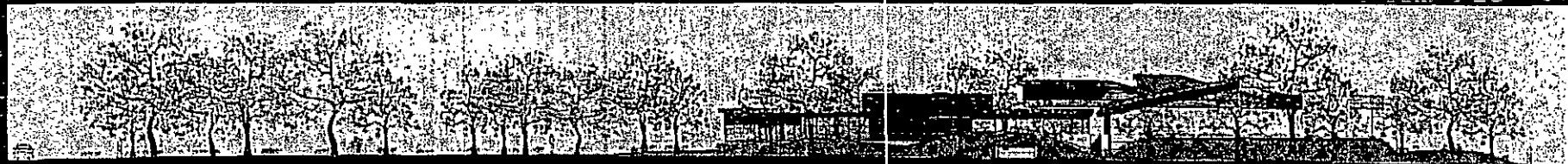




Proposed La Jolla Scenic Way Elevation



Proposed La Jolla Village Drive Elevation



Proposed La Jolla Scenic Drive North Elevation



Site Section

343
12/2

From: McNair, Rae on behalf of CLK City Clerk
Sent: Tuesday, December 02, 2008 8:22 AM
To: Atkins, Councilmember; Faucett, Aimee; Faulconer, Council Member Kevin; Frye, Donna; Hueso, Councilmember Ben; Lujan, Magdalena; Madaffer, Councilmember Jim; Maienschein, Councilmember; Peters, Councilmember Scott; Pickens, Sonia; Soria, Patricia; Vetter, Gary; Yepiz, Lauren; Young, Anthony
Subject: FW: Project #149437, site 653, Hillel Student Center

From: MARTHATHUM@aol.com [mailto:MARTHATHUM@aol.com]
Sent: Monday, December 01, 2008 10:35 PM
To: SDAT City Attorney
Cc: CLK City Clerk
Subject: Project #149437, site 653, Hillel Student Center

Dear Mr. Aguirre,

The City Council will be considering the student center project, #149437. I oppose this project and I urge your vote to deny it. The revised project is 99% the same as previously denied. This behemoth is inappropriate in a single family neighborhood. The already overburdened traffic and parking problems would be compounded.

Sincerely,
Martha R. Thum
8505 Nottingham Place
La Jolla, CA 92037

Life should be easier. So should your homepage. Try the NEW AOL.com.
(<http://www.aol.com/?optin=new-dp&icid=aolcom40vanity&ncid=emlcntaolcom00000002>)

RECEIVED
CITY CLERK'S OFFICE
08 DEC -2 AM 8:36
SAN DIEGO, CALIF.

12/2/2008

From: McNair, Rae on behalf of CLK City Clerk
Sent: Tuesday, December 02, 2008 8:22 AM
To: Atkins, Councilmember; Faucett, Aimee; Faulconer, Council Member Kevin; Frye, Donna; Hueso, Councilmember Ben; Lujan, Magdalena; Madaffer, Councilmember Jim; Maienschein, Councilmember; Peters, Councilmember Scott; Pickens, Sonia; Soria, Patricia; Vetter, Gary; Yepiz, Lauren; Young, Anthony
Subject: FW: Project 149437 Hillel

From: Mary Watson [mailto:majowatson@prodigy.net]
Sent: Monday, December 01, 2008 10:27 PM
To: Mayor, Office of the
Cc: CLK City Clerk
Subject: Project 149437 Hillel

Dear Mayor Sanders:

I write to request your disapproval of the Hillel of San Diego Project #149437 currently scheduled for hearing at the City Council on December 2, 2008.

This project has been disapproved by the local La Jolla planning committees after extensive review over a number of years and declared by the courts as a violation of land use laws and regulations. The "revised" Hillel project is essentially 99% the original project and will have the same severe adverse impacts on a single family neighborhood. The project will increase congestion and accidents both within the neighborhood and on the adjacent major thoroughfares of Torrey Pines Road and La Jolla Village Drive.

Additionally, there are alternative locations outside of the single family neighborhood that could serve to meet the needs of UCSD students for meetings and services. In particular, UCSD has recently completed a major expansion of student meeting spaces and more facilities are either under construction or in the planning phase. Those facilities are fully available to any and all UCSD student groups and could accommodate the meeting requirements of Jewish students at UCSD.

Please join with the La Jolla planning councils, scores of families, and the courts in opposing the inappropriate insertion of this institutional project in a single family neighborhood.

Thank you for considering our request.

Sincerely

Mary S. Watson
 Joseph W. Watson
 8666 Cliffridge Ave
 La Jolla, CA 92037

RECEIVED
 CITY CLERK'S OFFICE
 08 DEC - 2 AM 8:36
 SAN DIEGO, CALIF.

12/2/2008

343
12/2

From: McNair, Rae on behalf of CLK City Clerk
Sent: Tuesday, December 02, 2008 8:47 AM
To: Atkins, Councilmember; Faucett, Aimee; Faulconer, Council Member Kevin; Frye, Donna; Hueso, Councilmember Ben; Lujan, Magdalena; Madaffer, Councilmember Jim; Maienschein, Councilmember; Peters, Councilmember Scott; Pickens, Sonia; Soria, Patricia; Vetter, Gary; Yepiz, Lauren; Young, Anthony
Subject: FW: Project 149437, Hillel Student Center

From: Attiyeh [mailto:rea@ucsd.edu]
Sent: Monday, December 01, 2008 1:10 PM
To: CLK City Clerk
Subject: Project 149437, Hillel Student Center

Dear Councilmember:

I want to register my opposition to Project 149437. For many legitimate land use reasons, this Project is not appropriate for this site. Please reassure me that you will give the coming hearing your full attention, *listening open-mindedly to all opposition arguments even though you may have heard some of them* before or read submitted materials, and that you will vote objectively on the issues. I rely on you for a transparent process.

Thank you. I know you have many demands at this time, and so I appreciate your thoughtful attention to my concerns.

Jessica Falikman Attiyeh
8961 Nottingham Place
La Jolla, CA 92037
tel: 858-453-7670

RECEIVED
CITY CLERK'S OFFICE
08 DEC - 2 AM 8:49
SAN DIEGO, CALIF.

12/2/2008

From: McNair, Rae on behalf of CLK City Clerk
Sent: Tuesday, December 02, 2008 8:44 AM
To: Atkins, Councilmember; Faucett, Aimee; Faulconer, Council Member Kevin; Frye, Donna; Hueso, Councilmember Ben; Lujan, Magdalena; Madaffer, Councilmember Jim; Maienschein, Councilmember; Peters, Councilmember Scott; Pickens, Sonia; Soria, Patricia; Vetter, Gary; Yepiz, Lauren; Young, Anthony
Subject: FW: Project 149437, Hillel of San Diego

-----Original Message-----

From: Richard Attiyeh [mailto:rattiyeh@ucsd.edu]
Sent: Monday, December 01, 2008 4:47 PM
To: rattiyeh@ucsd.edu
Subject: Project 149437, Hillel of San Diego

Dear Council Members:

Please note that I urge you to oppose Project 149437. Despite "mitigations", the impacts on our neighborhood will be great and irreversible if the project goes through.

Thank you.

Richard Attiyeh
8961 Nottingham Place
La Jolla, California 92037

RECEIVED
CITY CLERK
08 DEC -2 AM 8:47
SAN DIEGO, CALIF.

From: McNair, Rae on behalf of CLK City Clerk
Sent: Tuesday, December 02, 2008 8:41 AM
To: Atkins, Councilmember; Faucett, Aimee; Faulconer, Council Member Kevin; Frye, Donna; Hueso, Councilmember Ben; Lujan, Magdalena; Madaffer, Councilmember Jim; Maienschein, Councilmember; Peters, Councilmember Scott; Pickens, Sonia; Soria, Patricia; Vetter, Gary; Yepiz, Lauren; Young, Anthony
Subject: FW: Hillel

-----Original Message-----

From: Harold J. Richards [mailto:hjrgoblue@san.rr.com]
Sent: Monday, December 01, 2008 7:52 PM
To: CLK City Clerk
Subject: Hillel

Dear Sir, 12/1/08

Please use your influence to encourage a NO vote on the Hillel project. It is the wrong project in the wrong place. As a 37 year resident of Cliffridge Ave., a short distance from UCSD, we are already overwhelmed with parking and traffic problems which Hillel would only intensify. Thank you.
Harold J. Richards

RECEIVED
CITY CLERK'S OFFICE
08 DEC -2 AM 8:47
SAN DIEGO, CALIF.

343
12/2

From: McNair, Rae on behalf of CLK City Clerk
Sent: Tuesday, December 02, 2008 8:50 AM
To: Atkins, Councilmember; Faucett, Aimee; Faulconer, Council Member Kevin; Frye, Donna; Hueso, Councilmember Ben; Lujan, Magdalena; Madaffer, Councilmember Jim; Maienschein, Councilmember; Peters, Councilmember Scott; Pickens, Sonia; Soria, Patricia; Vetter, Gary; Yepiz, Lauren; Young, Anthony
Subject: FW: Hillel Project 149437

From: Ronald Rock [mailto:monetdegas@gmail.com]
Sent: Monday, December 01, 2008 9:52 AM
To: CLK City Clerk
Subject: Hillel Project 149437

HILLEL OF SAN DIEGO STUDENT CENTER - Project 149437

The San Diego Planning Commission denied Hillel's proposed project by a vote of 4 to 1. The parking issues associated with this site cannot be solved. If it were built the neighborhood would be flooded with cars particularly on special holidays. There is no way to control parking on the street.

Please vote to keep our single family neighborhood intact and free from congestion. Please don't let politics override good judgment.

**Ronald Rock
Beth Rock**

**8854 Nottingham Pl
La Jolla, CA**

RECEIVED
CITY CLERK'S OFFICE
08 DEC -2 AM 8:51
SAN DIEGO, CALIF.

12/2/2008

343
12/2

From: McNair, Rae on behalf of CLK City Clerk
Sent: Tuesday, December 02, 2008 8:51 AM
To: Atkins, Councilmember; Faucett, Aimee; Faulconer, Council Member Kevin; Frye, Donna; Hueso, Councilmember Ben; Lujan, Magdalena; Madaffer, Councilmember Jim; Maienschein, Councilmember; Peters, Councilmember Scott; Pickens, Sonia; Soria, Patricia; Vetter, Gary; Yepiz, Lauren; Young, Anthony
Subject: FW: Project No. 149437 (Hillel of San Diego)

RECEIVED
CITY CLERK'S OFFICE
08 DEC -2 AM 8:54
SAN DIEGO, CALIF.

From: Jim Moore [mailto:jjmoore@ucsd.edu]
Sent: Monday, December 01, 2008 8:48 AM
To: CLK City Clerk
Subject: Project No. 149437 (Hillel of San Diego)

City Clerk

I have sent copies of this message to the Members of the City Council, and I would like it entered into the administrative record. Thank you very much.

30 Nov 2008

RE: Draft Mitigated Negative Declaration, Project No. 149437 (Hillel of San Diego)

In the above document, the conclusion that archaeological mitigation is not needed for Site 653 appears based in substantial part upon the statement that:

"Additionally, the report [by Brian F. Smith & Associates] included a search of the Sacred Lands File as requested by the Native American Heritage Commission to identify any cultural resources within, or in close proximity to the project area. The search failed to indicate the presence of cultural resources within a one-mile radius of the project." (page 7)

I have been a professional anthropologist for over 20 years, and in the course of that helped to excavate a 3 - 4,000 year old living floor and midden at the Martin Johnson House (T-29) at SIO, 0.67 miles, from Site 653 (distances measured on Google Earth). Furthermore, there has been extensive recent controversy over Native American burials at the UCSD Chancellor's mansion (see "**UCSD drops bid to raze chancellor's house: Mansion sits on Indian burial ground, is on historic registry**" at <http://www.kumeyaay.com/2008/03/ucsd-drops-bid-to-raze-chancellors-house/> for some coverage); this is 0.74 miles from Site 653. That location included a rare double burial dated to almost 9,000 years ago; at the time of its discovery (and possibly still) this was the oldest such burial known in the Americas. Finally, in 1997 a burial dated to about 8,800 years ago was discovered near UCSD's Coast Apartments (only about 450 yards from Site 653).

Whatever the Sacred Lands File says, the statement above it is completely false with respect to whether there are important archaeological sites within one mile of Site 653.

I bring this to your attention not merely because the archaeology in the aforementioned report is flawed,

12/2/2008

but because it suggests that the Draft MND was carelessly done and may contain other errors. That it was denied by the Planning Commission on 11/6/08 is of course further evidence to that end. The City's CEQUA review process was flawed, and I ask that you vote to deny Project 149437.

James Moore, Ph. D.

858 361-0133

Assoc. Prof., Anthropology, UCSD (affiliation for identification purposes only)

Formerly of 8944 Nottingham Place, La Jolla;

2060 Margaret Lane

Arcata, CA 95521

343
12/2/08

Michael Maslow
8951 Nottingham Place
La Jolla, CA 92037

RECEIVED
CITY CLERK'S OFFICE
08 DEC -2 PM 2: 28
SAN DIEGO, CALIF.

RE: OPPOSE Project 149437 – Hillel/Site 653

Dear San Diego City Council:

I would like to state my opposition to Project 149437, the attempt by Hillel to circumvent city planning, every community planning group this project has been presented to, and the courts; in order to construct and operate an enormous commercial building in a 100% residential neighborhood.

This project represents a huge commercial intrusion into a residential neighborhood, and is guaranteed to result in a massive increase in traffic and on-street parking, as well as an accompanying rise in pedestrian foot traffic crossing the already dangerous intersection at La Jolla Village Drive and Torrey Pines Road; I personally witness a minimum of one car per day that runs the red arrow light turning east onto La Jolla Village Drive. Critical or fatal accidents at this intersection will be guaranteed should Hillel be able to force this huge ego trip of a building onto our residential community.

In addition, the other entrance into our neighborhood, La Jolla Scenic North, which runs along the east side of Site 653 (which is where the entrance to the incredibly small underground parking area for the project will be) will see an enormous increase in traffic and accidents as vehicles make the turn onto the street and immediately have to jam on their brakes to make the right turn into the parking area. They will then have to wait for the gate to open, blocking all of the cars behind them that are attempting to make the turn onto La Jolla Scenic North from La Jolla Village Drive.

In addition, the precedent of the University encroaching into the residential neighborhood is guaranteed to be followed by other projects of the same nature. History proves this, and examples abound: Colombia University in New York and UC Berkely are but two examples.

The resulting increase in traffic, on-street parking, and noise, not to mention the visual eyesore that this huge building will present, will radically decrease the quality of life not only for those residents like myself, who live within a two block area of this project, but for everyone who uses the gateway roads into our neighborhood: La Jolla Scenic North and Torrey Pines Road. The accompanying decrease in land values of the properties nearest to this enormous project will be an economic disaster for all of the surrounding residents, as well as for the city's tax rolls.

In addition, the many, many "irregularities" surrounding this project from day one reflect very badly on the integrity of most of the members of the city administration who have been involved, and the majority of the current city council. The latest example of this is the apparent disregard, by the City Council, specifically its president, Scott Peters, for the San Diego Municipal Code as well as California Law: according to San Diego Municipal Code and California law specifying required timelines for noticing the public of upcoming hearings, both the December 2nd and December 5th dates that had been noticed were unlawful and should be stricken from the docket or continued to a future date to be correctly noticed. This is just the latest example of the complete disregard for the law that has been an integral part of the attempt to shove this project down the throats of the community.

I would suggest that Hillel build this project next to Scott Peters house and then see what his reaction is.

Lastly, I would like to point out that there are many, many existing structures that fit Hillel's requirements and are available right now to be rented or purchased by Hillel. The fact that Hillel wants this project to be built, in complete disregard of the wishes of the community, the various community planning associations, and the courts, speaks to an arrogance and disregard for others that is utterly at odds with the public face of this otherwise worthy and commendable organization.

I am also incredulous at the anti-Semitic hate mongering coming from the pro-Hillel forces. Rather than the last refuge of scoundrels, this is apparently the first resort of fascists. I reject these tactics and those that use them in the strongest possible manner.

In closing, I reiterate my objection to this project 149437.

Sincerely,

Michael Maslow